

# INTERIM FISHERIES ZONE EXTENSION AND MANAGEMENT ACT OF 1973

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## HEARINGS BEFORE THE SUBCOMMITTEE ON OCEANS AND ATMOSPHERE OF THE COMMITTEE ON COMMERCE UNITED STATES SENATE NINETY-THIRD CONGRESS

SECOND SESSION

ON

S. 380

TO ESTABLISH A CONTIGUOUS FISHERY ZONE (TO THE OUTER  
LIMITS OF THE CONTINENTAL SHELF) BEYOND THE TERRI-  
TORIAL SEA OF THE UNITED STATES

S. 1988

TO EXTEND ON AN INTERIM BASIS THE JURISDICTION OF THE  
UNITED STATES OVER CERTAIN OCEAN AREAS AND FISH IN  
ORDER TO PROTECT THE DOMESTIC FISHING INDUSTRY, AND  
FOR OTHER PURPOSES

S. 2338

TO PROVIDE FOR THE CONSERVATION OF THE UNITED STATES  
COASTAL AND ANADROMOUS FISH

APRIL 18, 19, 26; MAY 3, 13, 14; AND JUNE 14, 1974

PART 3

Serial No. 93-54

Printed for the use of the Committee on Commerce



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## INTERIM FISHERIES ZONE EXTENSION AND MANAGEMENT ACT OF 1973

THURSDAY, APRIL 18, 1974

U. S. SENATE,  
COMMITTEE ON COMMERCE,  
SUBCOMMITTEE ON OCEANS AND ATMOSPHERE,  
*San Diego, Calif.*

The subcommittee met at 9:30 a.m. in Portuguese Hall, 2818 Addison Street, Hon. John V. Tunney presiding.

### OPENING STATEMENT OF SENATOR TUNNEY

Senator TUNNEY. Today we begin 2 days of hearings on the most important issue presently facing the California fishing industry.

The proposed legislation we will be considering calls for a substantial extension of the U.S. capability to regulate fishing in our coastal waters. Under this legislation, the present 12 mile contiguous fisheries zone would be extended up to 200 miles, giving the Federal Government vastly increased power to control foreign fishing vessels.

This legislation also would significantly extend the claims of U.S. jurisdiction over domestic anadromous fish, such as salmon, even to ranges far beyond the proposed 200 mile limit. This legislation is expressly interim in nature and would terminate as soon as the Law of the Sea Conference now in progress puts into force a treaty regarding jurisdiction and conservation.

Since introduction of this legislation, many California coastal fishermen have told me that foreign fishing fleets, simply by staying outside the present 12 mile limit, can ignore fishery conservation practices decimating the fish population to the point where the continued existence of California coastal fishing itself would be endangered.

At the same time, however, many representatives of the California tuna fishing industry have stated that unilateral extension of our contiguous fisheries zone to 200 miles, even on an "interim" basis, would be a blatant violation of international law and would inevitably lead to the destruction of the California tuna fishing fleet and the cannery and other support facilities dependent upon it.

Furthermore, they tell me that such a violation of international law would destroy this country's grounds for protecting California fishermen under the Fishermen's Protective Act of 1967.

Staff members assigned to these hearings: James P. Walsh and John H. Wedin.

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It is my belief that the task we face is to assure that we will conserve California's extremely valuable coastal fisheries resources without jeopardizing protection of our crucial tuna fishing industry, which is the largest fishing industry we have in California.

I am holding these hearings in order that I may provide the Senate with as much information as possible from representatives of all sectors of California's fishing industry and from interested environmental and conservation groups, enabling the Senate to act more knowledgeably on this vital issue. Clearly, on an issue such as this, where millions of dollars and thousands of California jobs are potentially at stake, it is essential that the views of concerned Californians are fully on the record for the use of the Commerce Committee and the Congress.

I want to receive the views of all sides and all groups in detail. My intent is to see to it that the interests of all concerned are served by whatever legislation ultimately comes out of the Congress.

I might add that hearings are being held by commerce committee chairman Senator Warren Magnuson of the State of Washington. Hearings are to be held on the east coast in Massachusetts, Rhode Island, and it's my understanding that there will be other hearings held as well in other States that have coastal waters.

I'm very deeply concerned by one matter, which I heard as I came into the building today, and that is that apparently there has been a decision and action by the Panamanian Government which has resulted in the picking up of a tunaboat when it was coming into the Canal Zone for the purpose of trying to find medical treatment for one of the crewmen, and the boat at the time it was picked up was apparently not fishing. It was simply moving into the Canal Zone for the purpose of attempting to secure medical attention for the crewman.

Now I think that, from the very sketchy facts that I have, this could well be a violation of international law, in that Panama and the United States have a treaty as it relates to the management of the Canal Zone. And as the people in the audience well know, the United States does have jurisdiction and territorial sovereignty over lands adjacent to the canal itself, and is in control now.

My informant said that apparently the Panamanian Government wants to confiscate \$150,000 worth of tuna that is on the fishing vessel. This represents a very serious matter, and one which I think all of us find totally unacceptable. And it also, it seems to me, represents potentially a threat to our national security, if the Panamanian Government can decide on its own what vessels can move into the Canal Zone and what vessels cannot move into the Canal Zone without threat of being confiscated.

So I think that it's timely that we have these hearings in San Diego, at a time when we are in the position where an international incident has been perpetrated within the last 24 hours.

The first witness is Congressman Lionel Van Deerlin, Congressman from San Diego, a very old and good friend of mine.

**STATEMENT OF HON. LIONEL VAN DEERLIN, U.S. REPRESENTATIVE  
FROM THE 41ST DISTRICT OF CALIFORNIA**

Mr. VAN DEERLIN. I noticed you were calling the hearing to order with a glass ashtray, Mr. Chairman. I thought it would be better to do it this way. [Handing a gavel to Senator Tunney.]

Senator TUNNEY. Thanks for that, and thank you very much for being with us this morning. Congressman Van Deerlin is a man who is not only a very good friend of mine, but a person who is an outstanding legislator, and one with whom I work very closely on many different issues.

It's a real pleasure to have you with us, Congressman, today.

Mr. VAN DEERLIN. We're glad to have you here, Mr. Chairman, because you are presiding over hearings on a matter that we in San Diego would like to see nipped in the bud.

It's been a long struggle for this industry that I've had a vantage point of watching for the better part of 40 years. My first job out of college was on the old Scripps-Howard San Diego Sun, before World War II, and I can tell you that at that time—at that point in time, as witnesses before Senate committees are fond of saying—the tuna industry was the most important industry in San Diego. Aerospace was in its infancy then. And this was—and I suppose still is—the tuna capital of the world.

But it's difficult in these times to believe that there was a time when there were five tuna canneries operating in San Diego, that this was an expanding industry, an industry which brought new dollars into a community which was otherwise known only as a naval bastion.

In World War II the tuna industry suffered its first setback when a great many of the vessels—because of their speed, because of their refrigeration capability, and because of the great seamanship of their owners and crews—were called into service as Navy subsidiary vessels, and were taken off the fishing lanes.

The industry responded in a manner that still recalls commendations from old Navy hands. In the late forties and mid fifties the industry was asked to absorb the brunt of building up a fishing industry in Japan as part of the recovery of post-war Japan, and we were called upon to submit to quotas and arrangements which gave great preference to Japanese fishing, which could be caught with long-line ships that stayed at sea for months upon months, which were packed in brine and sent in here with trade breaks which America felt it had to extend to this recovering nation of Japan. This created an imbalance which had to be unfair to the Southern California tuna industry.

As if this had not been enough, we then went into the era of submitting to unlawful seizures by west coast Latin American nations. And it's an interesting point that the total money that has been paid by San Diego boat owners as a result of fines and illegally-enforced fishing permits in Latin waters—that is, fish within 200 miles—have now reached a total of \$6 million. That's \$6 million taken out of an industry which has had so much else going against it.

As if that weren't enough, there were frequent incidents in which our tunaboat owners had to report that the vessels being used by South American navies to come out and fire across their bows, to board them, and to seize them, and to order them into port, were in fact surplus naval vessels from the U.S. fleet which we not only provided to those nations, but for which we were continuing to provide spare parts.

And that was pretty hard for these tax-paying citizens to accept, that their own Government should be contributing to the unlawful attacks and seizures on the high seas.

Your Senate Commerce Committee, I think even more responsively than sometimes we on the House side were able to do, showed a sympathetic understanding of the plight of this industry. It was your Senate committee which took the lead in assuring that if these unlawful seizures in Latin waters continued that we were going to assess those nations out of foreign aid, or out of military aid, an amount equal to the illegal fines that they imposed on our fishermen. We weren't just going to sit by and see these fines paid without doing something about it.

And in amendments to the Fishermen's Protection Act in the late sixties, the Senate taking the lead and the House also joining, passed significant legislation which, had the administration followed up with enforcement as it was envisioned by the lawmakers, these seizures might have been brought to a halt.

Now we have underway to decide, among other things, the question of what constitutes legitimate fishing limits at a Law of the Seas Conference which is to open in Caracas this summer. For a long time this Conference has been in the preparation stage, and August Felando, the head of the American Tunaboat Association here, has made many trips to Washington conferring with State Department officials and others in the preparation of the fishing industry's case to be placed before that world tribunal.

Now, within a precious few months before that conference is to begin, we're asked to sit by and watch Congress pass a bill which would have the effect of pulling the rug right out from under this entire industry in the fight that it's made to preserve the sanctity of the international 12-mile limit, a limit which is still observed by the vast majority of maritime nations.

This is no time to cave in to the interests of fishing elements elsewhere in the United States, however grievously they may feel the intrusion of Japanese and Russian fishermen in their coastal waters.

I was delighted when I learned this hearing had been called to ascertain that the name of our California Senator on the Senate Commerce Committee is not listed as a cosponsor of S. 1988. The tuna industry here, believe me, Senator, is well aware of the ready assistance that you provided very recently when they needed help, in regard to getting adequate fuel supplies to keep their boats sailing.

I know that you have some fishing interests in northern California which, as soon as tomorrow in San Francisco, will be importuning you in another direction. I can only note, because so many things like this do turn on political considerations, that you have in this room a great many politically-activated people—and I don't refer so much to the fishermen as to their wives. These are some of the

best toilers in the political vineyard. They understand the issues, and they understand their interests.

As a matter of fact, if this bill passes probably their husbands will be home around November too, and will be out ringing doorbells.

I can only tell you that this is bad legislation, offered at the wrong time, not calculated to achieve what it aims to, even for those sections of the fishing industry that it is designed to help.

Rather than pushing our own fishing limits out, we should be trying to talk other governments into pulling theirs in. And that's what we're going to be trying to do at Caracas.

The purpose of the Law of the Seas Conference is to try to resolve precisely this sort of question, how to make the best and fairest use of territorial waters. It seems to me that Congress now has the opportunity to practice not just some sound politics, but some real statesmanship.

Let's hold off on new legislative moves at least until we can see what the Conference accomplishes this summer. Let's give it a chance. Let's avoid new unilateral actions that could undo the Caracas Conference even before it gets started, as well as creating new and unjustified divisions within the fishing industry.

Mr. Chairman, let's begin by scuttling S. 1988.

Senator TUNNEY. Thank you very much, Mr. Van Deerlin.

One of the points which you raised, which I think I should respond to in view of perhaps a misapprehension by the people as to what my position is or will be, is the question of politics of the issue. Insofar as I am concerned, like so many of the other issues in California, there is a substantial split. No matter what side you take you get 50 percent of the people angry at you.

Now, it does so happen that in northern California, in San Francisco, the fishermen in that area are very much in favor of this legislation, and they feel, I'm sure, as strongly in favor of the legislation as the tuna fishermen feel opposed to it.

So, as is customary in my decisionmaking, I am not going to decide this issue on the basis of what I perceive to be the popular viewpoint, but on the basis of what I think is right, on the basis of what I listen to in these hearings and the hearings in San Francisco, and the hearings in Washington, and the hearings that are going to be held in other States.

Senator Magnuson is pushing this legislation very strongly. He wants the bill. That does not mean that that is going to have any impact on this Senator's viewpoint. I will base my opinion on the legislation on what I learn at these hearings, and in reading the record of the other hearings.

Mr. VAN DEERLIN. Yes. It's perfectly obvious, Mr. Chairman, that for me this is a very simple political issue, just as for you it's a very difficult one. But we cannot realistically ignore the fact that you're going to be tugged from both directions, and I wanted—

Senator TUNNEY. That's correct. And there's no way that I can beat it, politically. So the point is, I'm going to do what I think is right.

Mr. VAN DEERLIN. Well, I would not have expected anything else. But I would point out that sometimes when you only have 2 or 3



months to play with, to do nothing is the best politics, and is also doing the right thing.

Senator TUNNEY. Well, I appreciate the strong statement that you've made, Congressman Van Deerlin. There is no question that you are as familiar with the issue as any Congressman, and you have been a real champion of the tuna fishing industry in Washington, and we're aware of the way you've gone to battle time and time again, and you are most persuasive.

I wonder how Congressman Phil Burton from San Francisco is going to be tomorrow in our hearings up there.

But I am delighted to have you, and I think you've made a very constructive contribution to these hearings. Thank you.

Mr. VAN DEERLIN. Thank you.

[The statement follows:]

STATEMENT OF HON. LIONEL VAN DEERLIN, U.S. REPRESENTATIVE  
FROM CALIFORNIA

Mr. Chairman, as a member of the House Commerce Committee, I have nearly always applauded the work of your Committee, our counterpart with many shared areas of jurisdiction. My appreciation is only heightened by the fact that we on the House side have usually lagged in dealing with many matters, particularly those involving regulated industries.

So I come before you, really, as a sort of fan—ready to be persuaded by the rightness of whatever your Committee undertakes to do.

Accordingly, I've tried to see my way clear to at least a partial acceptance of S. 1988, the bill you are considering this morning.

But I cannot find even one good word for this legislation. It would be anathema to the prime commercial fishing interests in the District which I represent and, in balance, not very good for anyone.

S. 1988 might indeed provide a measure of short-term relief for some of the fishermen operating in our northern waters. But over the long haul it would, I am afraid, not only deliver a possible death blow to our own domestic tuna industry—but would also be bad politics and rotten diplomacy—and possibly not even very helpful to the haddock, herring, and other interests that are crying for relief up north.

The legislation before you does not protect the entire fishing industry; nor does it protect the fish. It would certainly do nothing for the conservation agreements for preserving certain species of tuna in both the Atlantic and the Pacific. If 200-mile national fishing zones were accepted, it follows that the controls for implementing these agreements would be increasingly dictated by narrow national interests, since the fish would then tend to "belong" to specific countries.

It should be noted that our tuna fishermen have to go where the tuna are, and generally that's in the warmer waters to the south of us. August Feland has advised me that more than nine of every ten tuna marketed in the United States actually are caught in foreign waters. And once in tropic waters, the tunaboat usually has to move toward shore, since 78 percent of the fish are taken within 200 miles of the coast.

What can we possibly gain by asserting so extravagant a claim almost on the eve of the Law of the Seas Conference, so highly touted as the appropriate vehicle for negotiating disputes over territorial fishing rights?

What will be the position of our own diplomats, if Congress has already gratuitously asserted a unilateral claim to a 200-mile coastal fishing zone?

As a Congressman from San Diego, I am mindful of the outstanding performance of this Committee over the years in affirming the rights of tunaboats and other elements of our domestic fleet which must operate off foreign shores.

To a great extent, your Committee was credited for the enactment in 1968 of amendments to the Fisherman's Protective Act which ordered economic retaliation against Governments that fined our fishing boats for trespassing within their claimed 200 miles of territorial fishing rights.

If it was wrong last year for Ecuador or Peru to seize a tunaboat 190 miles off the coast—on what legal or moral basis can Congress now insist that the United States undertake precisely the same thing that we have so heatedly criticized the South Americans for doing in the very recent past?

It is obvious that if S. 1988 or similar legislation is enacted in this Congress, we can forget about ever negotiating a compromise with Ecuador or Peru. As your Committee well knows, our tuna fishermen have paid a heavy price for the intransigence of some of our off-and-on Good Neighbors to the south. Over the past 18 years the tuna fleet, originating mainly in San Diego and San Pedro, has been forced to pay fines totalling nearly \$5 million to Ecuador and Peru.

Penalties levied by other countries have brought the total "take" under this peculiar form of extortion to more than six million dollars.

Rather than push our own limits out, we should be trying to talk these other governments into pulling theirs in.

The purpose of the Law of the Seas Conference is to attempt to resolve precisely this sort of question—how to make the best and fairest use of territorial waters.

It seems to me that Congress now has the opportunity to practice some statesmanship. Let's hold off any new legislative moves, at least until we can see what the conference accomplishes this summer. Let's give the conference a chance. Let's avoid new unilateral actions that could undo the Caracas conference before it even gets started, as well as creating new and unjustified divisions in the fishing industry.

Mr. Chairman, let's begin by scuttling S. 1988.

Senator TUNNEY. Our next witness is Joanne Heriot, who is going to be representing the San Diego County Board of Supervisors.

**STATEMENT OF JOANNE HERIOT, ADMINISTRATIVE ASSISTANT  
TO THE SUPERVISOR, THIRD DISTRICT, COUNTY OF SAN DIEGO,  
ON BEHALF OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS**

Ms. HERIOT. I'm representing the San Diego County Board of Supervisors. The Board extends its apologies for not having a member of the Board of Supervisors present at this session this morning.

I would like to read the following statement:

On motion of Supervisor Walsh, seconded by Supervisor Taylor, the Board of Supervisors of San Diego County adopted the following resolution:

Whereas, Senator Magnuson, State of Washington, has introduced Federal legislation proposing creation of a national offshore limit of 200 miles, and

Whereas, the Mendocino County Board of Supervisors has adopted a resolution in support of said legislation, and

Whereas, based on 1973 values, approximately 80 cents out of every dollar paid to commercial fishermen in California was from tuna landed in California, and

Whereas, the American Tunaboat Association opposes this legislation based on the opinion that such unilateral action would strain the relationship between the United States and Mexico, and

Whereas, under existing international law no state has the right to unilaterally extend its fishing jurisdiction more than 12 miles from the coast, and

Whereas, this action would encourage similar claims by other countries, and

Whereas, protection presently extended to United States flag vessels would not be available to those vessels seized by foreign countries within 200 miles of such countries' coastline or islands, if such legislation were enacted, therefore be it *resolved*, That the San Diego County Board of Supervisors strongly urges their congressional representatives to actively oppose Senator Magnuson's legislation, and be it further *resolved*, That copies of this Resolution be forwarded to President Nixon, Senators Cranston, Tunney, and Magnuson, Congressmen Van Deeren, Wilson, Veysey, and Burgener, the County Supervisors' Association of California, the American Tunaboat Association, the Association of Pacific Fisheries, and the fifteen (15) coastal counties of California.

Passed and adopted by the Board of Supervisors of the County of San Diego, State of California, this 9th day of April, 1974, by the following vote:

AYES. Supervisors Walsh, Brown, Conde, Bear, and Taylor.

NOES. Supervisors None.

ABSENT. Supervisors None.

STATE OF CALIFORNIA,  
County of San Diego, ss:

I, Porter D. Cremans, Clerk of the Board of Supervisors of the County of San Diego, State of California, hereby certify that I have compared the foregoing copy with the original resolution passed and adopted by said Board, at a regular meeting thereof, at the time and by the vote therein stated, which original resolution is now on file in my office; that the same contains a full, true and correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of said Board of Supervisors, this 9th day of April, 1974.

(Seal) PORTER D. CREMANS,  
Clerk of the Board of Supervisors.  
By SARA DREW, Deputy.

Senator TUNNEY. Thank you very much. I appreciate your taking the time to represent the Board here this morning.

Our next witness is Mr. C. R. Campbell, chairman of the Board of Port Commissioners, San Diego Unified Port District.

**STATEMENT OF DON HAGER, ADMINISTRATOR OF THE  
UNIFIED PORT DISTRICT, SAN DIEGO, CALIF.**

Mr. HAGER. Mr. Chairman, I am Don Hager, administrator of the Unified Port District. Mr. Campbell is unable to be here today.

I have filed a statement with the clerk of your committee, and I won't go into a reproduction of reading this statement over.

However, I think that our points are really three in number, and feel, first, that if this legislation is adopted it will surely invoke retaliatory legislation by other countries, particularly in the South American area. And it seems to us that the adoption of this will surely frustrate the deliberations of our delegation to the Law of the Seas Conference in Caracas.

This is an industry which has shown some considerable maturity in trying to regulate itself, witnessed by the formation of the Inter-American Tropical Tuna Convention. Now, it seems that a police measure adopted by one nation really frustrates continuing development of that kind of solution to the management of the world's oceans and seas.

I think that once a nation takes a position like this that their negotiators then are loathe to sit down at the bargaining table and work out a negotiated solution. We feel that a negotiated solution is vastly superior to one which is imposed by one single government.

We feel also that this legislation could frustrate to some extent the sports fishing industry and the oceanographic research industry, because they may have a prohibition about vessels engaged in those activities traveling into the waters of neighboring countries.

For these reasons we think the legislation should be discarded, or certainly postponed, before it's seriously considered. And, as Congressman Van Deerlin said, the Law of the Seas Conference in Caracas ought to be given a chance to see what can be worked out by the people associated with this industry.

I think it's been pointed out clearly that San Diego, in general, and certainly the port of San Diego in particular, has a very vital interest in the health of this industry which is peculiar to our part of the United States.

Senator TUNNEY. Thank you very much. I appreciate your statement.

[The statement follows:]

STATEMENT OF DON L. NAY, PORT DIRECTOR, SAN DIEGO UNIFIED PORT DISTRICT

Mr. Chairman, distinguished Members of the Committee on Commerce: The following represents the position of the San Diego Unified Port District regarding the adoption of Senate Bill 1988. The Port of San Diego is opposed to this legislation on the following grounds:

First, the establishment of a 200-mile limit by an arbitrary unilateral action at this time would surely provoke similar action by other nations whose offshore waters are so vital to the continuing health of the United States tuna industry. The Port of San Diego, and Southern California in general, are vitally concerned with the stability of this industry since it is a significant contributor to the economy, tax and employment base of this region. The imposition of a reprisal type limit by other nations would frustrate an industry which has shown considerable capacity for international cooperation and self-regulation. Surely, this is a time for a retreat from isolationism and a positive move forward toward a spirit of internationalism in finding mutually agreeable solutions to the problems of managing the world oceans. It is submitted that once nations adopt an isolationistic position regarding their offshore waters for purposes of controlling fishing, that they are loathe to sit down in good faith at the bargaining table and reach a negotiated agreement regarding fisheries conservation. It is our position that a negotiated solution is far superior to a hastily adopted arbitrary and unilateral police measure.

Second, it is the position of the Port of San Diego that the adoption of Senate Bill 1988 will totally frustrate the good faith efforts which have been expended in the past in the formation of the Intertropical Tuna Commission, and will further render the U.S. negotiating team virtually impotent at the Law of the Sea Conference to be held in Caracas, Venezuela, later this year. It is hardly a measure which can be considered an example of responsible leadership in our international involvement. If for no other reason than this, the legislation should be discarded, or at least postponed, until after a report on the Conference later this year.

Third, the enactment of Senate Bill 1988 could very well frustrate the continuing development of Southern California Sportfishing, and hamper the efforts of the developing oceanographic research industry off the West Coast. The retaliatory measures which might be taken by other nations close at hand could very well preclude fishing excursions, whether for sport or for scientific purposes, into the coastal waters of Canada and Mexico.

All things considered, the Port of San Diego wishes to bring to the attention of the Senate Committee the position that the enactment of this legislation prior to the conclusion of the Law of the Sea Conference, to be held in Venezuela later this year, is premature. Where problems can be solved by negotiations at the bargaining table, such solutions are eminently superior to measures which may be conceived and adopted unilaterally by a single government. We, therefore, urge that the Committee discourage the progress of any legislation modeled after Senate Bill 1988.

Our next witness is Mr. Dean R. Dunphy, president, San Diego Chamber of Commerce, and Dave Parkinson, chairman, Oceanic Council, San Diego Chamber of Commerce.

Mr. Felando, are you going to appear with this panel?

Mr. FELANDO. I'm just going to be with them. I'm a member of the Chamber of Commerce.

Senator TUNNEY. Fine.

**STATEMENT OF DEAN R. DUNPHY, PRESIDENT, SAN DIEGO CHAMBER OF COMMERCE; ACCOMPANIED BY DAVE PARKINSON, CHAIRMAN, OCEANIC COUNCIL, SAN DIEGO CHAMBER OF COMMERCE; AND AUGUST FELANDO, GENERAL MANAGER, AMERICAN TUNA-BOAT ASSOCIATION**

Mr. DUNPHY. I'm pleased to have with me Dave Parkinson, who is chairman of the Oceanic Council of the San Diego Chamber of Commerce, and Mr. Felando, who, as you know, is the prominent guiding member of that committee. So I asked that they appear with me to provide technical support as required for our testimony.

I also want to comment that the last time you and I spoke we were talking about the energy crisis. You got that settled, and I trust you will be as successful in getting—

Senator TUNNEY. All by myself.

Mr. DUNPHY. We would like to read into the record the letter which we addressed to you dated April 16, of which I believe your committee has a copy, Senator, which does represent the unanimous voice of the San Diego Chamber of Commerce Board of Directors' in its position taken most recently.

[The letter follows:]

THE SAN DIEGO CHAMBER OF COMMERCE,  
San Diego, Calif., April 16, 1974.

HON. JOHN TUNNEY  
Senator of the State of California,  
New Senate Office Building,  
Washington, D.C.

DEAR SENATOR TUNNEY: We oppose the enactment of Senate Bill 1988 for the following reasons:

SB. 1988 represents a unilateral declaration of jurisdiction by the United States just at a time when the international Law of the Sea Conference commences its first substantive session. We are of the firm opinion that the passage of SB. 1988 would seriously damage the negotiating ability of the U.S. Law of the Sea Delegation and frustrate efforts to effectively settle, on a multilateral basis, not only the fisheries issue but, also issues dealing with scientific ocean research, pollution, ocean mining, and the right of free passage. San Diego is not only the principal operational base for the U.S. Tuna Fleet, but is also a significant center for our Nation's effort in ocean research and the home of the Navy's First Fleet.

SB. 1988 represents a fisheries position that is different than the United States fisheries proposal presented to the preparatory sessions of the Law of the Sea Conference. We believe SB. 1988 does not protect the U.S. domestic fishing industry as well as such U.S. fisheries proposal. We are informed that important segments of the salmon, shrimp and the tuna industries do in fact support the U.S. fisheries proposal but are in opposition to SB. 1988.

We object to SB. 1988 on the ground that it will not in fact protect the tuna stocks relied upon by the U.S. Tuna Industry. SB. 1988 would cause other countries to unilaterally extend their fisheries jurisdiction. In the past, when countries have claimed a 200 mile exclusive fishery zone, they have denounced a treaty establishing a tuna conservation regime. Moreover, SB. 1988 is diametrically opposed to the position that the U.S. has taken up to this point when similar action has been enforced against our Tuna Fleet, most notably by Ecuador and Peru. We believe it most important to strengthen the existing conservation regimes established by the Inter-American Tropical Tuna Commission and the International Commission for the Conservation of Atlantic Tunas, and not weaken them by the type of action proposed by SB. 1988.

We believe that SB. 1988 adversely affects the San Diego Tuna Fleet, and thereby the entire California Fishing Industry, because it would effectively require the U.S. Tuna Fleet to depend wholly upon the grace of foreign governments for its opportunity to fish tuna in the traditional fishing grounds

established and developed by such Fleet. In 1973, 91% of all tuna landed by U.S. Tuna fishermen were caught within waters beyond the U.S. shores, either in Pacific south of San Diego or in the Atlantic south of Puerto Rico. Only 2% of the tuna caught off U.S. shores was caught within 12 miles. At present, tuna landings in California represents about 80% of the entire landing value of fish and shellfish to the fishermen. It has been estimated for 1973 that the dollar impact of the San Diego Tuna Fleet was \$270 million. Many small businessmen and firms are dependent upon the economic viability of the Tuna Industry in San Diego. These concerns range from electronic repair establishments, to fuel docks, to shipyards. In 1973 alone, shipyard repairs to commercial fishing vessels operating from San Diego was estimated to be about \$24 million.

SB. 1988 would establish the basis to deny the San Diego Tuna Fleet the right to access to fishing grounds essential to their economic survival. In 1973, the Inter-American Tropical Tuna Commission estimated that 95.2% of all skipjack tuna and 72.0% of all yellowfin tuna taken within the Commissions Yellowfin Regulatory Area was taken within 200 miles of 12 countries and islands bordering such area in the Eastern Pacific.

We believe SB. 1988 does not adequately protect fish stocks important to the United States, nor does it adequately protect the U.S. Domestic Fishing industry. It commits the United States to a unilateral course of action exactly at the time when we need to be free of such encumbrance to operate effectively at the forthcoming Law of the Sea Conference. We are also convinced that its passage could fatally damage the U.S. Tuna Industry, and in particular, the Tuna Industry of San Diego.

We urge the Committee to oppose the passage of SB. 1988.

Sincerely,

DEAN R. DUNPHY,  
*President.*

Mr. DUNPHY. I have these gentlemen with me this morning, Senator, so if there is questioning concerning the technical nature of our testimony, I'll be delighted to have them assist in the response.

Senator TUNNEY. It's my understanding that Mr. Felando will be testifying, so I'll reserve any questions until after that.

I have a question as it relates to the sports fishery industry in San Diego. How important to the economy of San Diego is sports fisheries?

Mr. DUNPHY. Senator, I haven't available to me the specific statistics on the sport fishing industry, except that I could comment that there certainly is a parallel relationship to our entire tourist industry, which is a significant element to San Diego's economy. Many people visiting San Diego are obviously here to enjoy many of the attributes of the community, which include the excellent fishing off the shores of the city of San Diego and Baja Calif.

Senator TUNNEY. My impression is that the sport fishing industry is important to the city of San Diego, but I don't have any figures on it. Perhaps they could be furnished.

Mr. DUNPHY. I think we could do that.

Senator TUNNEY. I attended a number of days of hearings in Washington on this legislation, and one of the arguments that was made in favor of it was that if the widespread depredations of our fisheries by foreign governments continued that we would not have a sports fishery industry off the Pacific coast, Atlantic coast, within a relatively short period of time.

And I wondered if you could address yourself to that specific problem, as it relates to San Diego.

Mr. DUNPHY. This is a question, I think, despite the fact that you will be talking to Mr. Felando later, that he is perhaps more

aware of than I, of the ultimate impact of the foreign fishing in our sport fishing waters.

Mr. FELANDO. Senator, I'd like to get into that later on. I think we have abundant statistics, but the point is, I think, as you know, the border between Mexico and California is very close, and I think you'll find that a significant amount of the fishing done by sportsmen is in fact within the waters of Baja Calif. And not too long ago we did have a seizure of a sport fishing vessel by Mexico.

Senator TUNNEY. Within the 12-mile limit?

Mr. FELANDO. Within the 12-mile limit. There was a dispute as to the location, but it's reasonably assumed it did occur within 12 miles.

Many of the new large sports fishing vessels do spend a great deal of time in waters south, of course dependent on the movement of the albacore tuna off the coast of Baja Calif. The fact is, they will have to spend a lot of time off Baja Calif.

But I believe this is a very good question, and I think the sports fishing industry in this area could provide you with some information, and I'm sure the Chamber would be able to gather the statistics if you consider it of importance.

Senator TUNNEY. I'd like to know what the dollar value is, if it could be estimated, of the sports fishing industry and if the situation in San Diego, as a result of our contiguous relationship with Mexico, is different than in other parts of the country. It's clear that the proponents of this legislation argue that it's inevitable that we're going to lose the sports fishing industry off our coastal waters unless we pass the 200-mile limit.

Now, with San Diego it may be a different case, because the Mexicans claim a 12-mile limit, and the fear is that if we pass this legislation the Mexicans might well come to a 200-mile limit, and that would wipe out sports fishing in Mexican waters.

So I wish you would furnish this information to the committee.

Mr. DUNPHY. And you're specifically asking for the value of sport fishing in the U.S. waters?

Senator TUNNEY. Well, I'm asking for the value of the sports fishery industry in San Diego. It would be helpful to also have information as to where that fishing takes place. I would assume that sometimes it takes place off the coast of California, and sometimes off the coast of Mexico. I would assume it would depend on the runs. Some weeks I suppose the captains go out off the coast of California, and some weeks they go off the coast of Mexico, depending where the fish are.

So what we would like to have is the value of the sports fishing industry to the San Diego area, and some information as to where the fishing is done and what the impact would be to those people involved in the industry, what the impact would be if this 200-mile limitation legislation was passed, and also if Mexico followed suit and passed it too.

Mr. PARKINSON. I'd like to make one comment, Senator. I'll be very glad to get you that information promptly. There may well be other witnesses here today who will have that, or who will have comments on the sport fishing aspects.

Senator TUNNEY. I understand. The reason I'm asking you is because you are representing the Chamber of Commerce. The

Chamber of Commerce, it seems to me, would have the ability to draw this information from the business community as effectively as any organization.

MR. PARKINSON. That's correct. One further item is that we understand and appreciate the need for the protection of the coastal fisheries, and our various species that are close to the coast. Our main point in opposing this bill is that this protection needs to be provided by multilateral agreement, and by instituting this 200-mile limit now, several months before the Law of the Seas Conference, essentially eliminates a great deal of flexibility in negotiating a position that we might have at that conference.

Senator TUNNEY. Well, the arguments that are made by the proponents of the legislation are that the Law of the Seas Conference has been going on and on, and so far they've only been talking about procedural matters. They haven't been talking about substantive matters. They are going to be talking about substantive matters for the first time this summer, but even if there should be agreement, it's going to take many months, if not years, to reach that agreement, and it would be 1980 to 1985 before ratification. By that time American coastal waters will have been stripped and there will be no fish left along the coast. And I might say that many conservation groups testified at our hearings in Washington to that effect, as well.

So it is to a Senator like myself who represents both interests—not a black and white issue, but it's one where I would like to have the very best arguments on both sides. And I know that the chamber of commerce in San Diego is very much opposed to the legislation, so I'd like to have your best arguments. It will help in arriving at a judgment. And I think that if you could get us that information relating to the sports fishing it would be quite helpful. And we'll be able, I know, when we speak to the tuna fishermen, to get a detailed appraisal of their view of the impact of the legislation on the tunafishing industry. Mr. Felando is someone who is well known to me and someone whom I respect very much for his intelligence and his energy. I've heard him testify before, and I know what a job he's capable of doing in that area, which is his specific expertise.

But it seems to me that the chamber's expertise could well lie in the area of sports fisheries—that is, the impact of this legislation on that industry.

Thank you very much.

Our next witness is Congressman Bob Wilson from San Diego. We're very pleased to have you with us this morning, Bob.

**STATEMENT OF HON. BOB WILSON, U.S. REPRESENTATIVE  
FROM CALIFORNIA**

MR. WILSON. Thank you, Mr. Chairman.

I think that it shows great wisdom on your part to bring these hearings to San Diego, because of the importance of the tuna industry to the city of San Diego, and I applaud you for doing so.

I heard you talking with my good colleague, Lionel Van Deerlin, about your political problems involved in this. It seems to me we have to think not only of the political problems—and certainly I



find it very easy to support the tuna industry, because it's my constituency—but we're also consumers, and consumers across the country are going to be the ones who will suffer if this legislation passes.

I have a prepared statement. I will ask your permission, Mr. Chairman, to submit it for the record and make a few brief comments on some of the points that have already been made by previous speakers.

I think the most important aspect of the problem that you face, the dilemma that your committee faces, has to do with the economics of the tuna industry. Tuna is our most important fish product in the United States. There are more tuna than any other fish product, and I think actually this legislation could price tuna almost out of existence for the average person, and it would become a luxury like caviar rather than a basic food product, high-protein food product, that it is today.

Certainly the sport fishing industry will suffer, not only in San Diego, but in Los Angeles and other areas. As any boatowner knows, it's almost impossible to get a slip up in that area because there are so many boats. And many of them are larger boats that cruise into Mexican waters for the excellent fishing that occurs down there.

And it seems quite obvious that if we extend our 200-mile limit, that other countries will immediately follow. We have been opposing it and opposing it quite strongly and vigorously, and I believe rightfully. But I believe certainly if we take the lead unilaterally we can expect other countries—some of which have been claiming it, and we think illegally claiming the 200-mile limit, to then say that we've set the precedent, and we're the largest—or the strongest Nation in the world, and it will certainly immediately cause the other nations to join with us in setting a 200-mile limit.

I think the conservation issue is another one that is of extreme importance. The Inter-American Tropical Tuna Commission, and the Atlantic Commission, have parallel responsibility, and I think have done a remarkable job in setting quotas and in regulating the amount of fish taken. And I believe if each country cuts out a piece of the shoreline, or jurisdiction out to 200 miles, that it will make the work of the Tuna Commission almost impossible.

The tuna doesn't have a home. It doesn't live, as salmon does, close to shore. It isn't the type of fish that—other fishery products that are caught in close I can understand fishermen being concerned about, but tuna are out in the high seas. And I don't believe it's true that 42 percent of all tuna are caught within the 200-mile limit around the world. But no one nation can claim the tuna as its own particular province, because they're just passing through as they're caught.

I really believe a serious mistake would be made by your committee to report this bill out. I recognize that Senator Magnuson has his problems too in the Washington State area, because a lot of fishing is done around there. But it seems to me that we, as a leader in the world, should take the lead at the Law of the Seas Conference, and try to actually work out some kind of legal means of allowing fish to be taken by our tuna fleets and by other fisheries, rather than just arbitrarily saying that we're going to set a 200-mile limit.

I would urge you, Senator, to give serious consideration to our problem. And, again, it's easy for me to support my people, but the number of votes of tuna fishermen compared to tuna consumers is infinitesimal. Consumers are everywhere. And I believe you'll find from a political standpoint that if, in fact, by destroying the tuna industry—which, in my opinion, this measure will do—we would price tuna out of the ordinary working man's diet, and we'll have a very serious problem on our hands.

I again appreciate your giving me this opportunity to appear.

Senator TUNNEY. Thank you. I appreciate your being here, and making your statement.

I think you've raised a good point when you say that if we destroy the tunafishing industry there's going to be many millions of people who enjoy tuna—myself included—who are not going to be able to purchase their tuna. And I suppose the question really is Will we destroy the tuna industry? At least, that's one of the questions.

I have another question on which you have a degree of expertise, including your many years of service on the House Armed Services Committee. I understand it, Panama claims jurisdiction out to 200 miles, including the Continental Shelf and some adjacent waters, and Panama claims sovereignty over these waters. Now, what do you feel the rights are with respect to Panama's picking up American fishing vessels that are going into the Canal Zone?

Mr. WILSON. Well, I think that would again be a measure for the Law of the Seas Conference to debate on and to solve, because the Panama Canal and the Suez Canal are, of course, straits. There are some 119 different straits around the world where you have to pass between two land areas fairly close. I think the rights of free passage are pretty well established in international law, and certainly the rights of tuna boats to come even within the 12-mile limit to make passage through a canal would be pretty fundamental. And I would think the Law of the Sea Conference could resolve this issue as one of the very first, easy issues to resolve.

Senator TUNNEY. But it would clearly be illegal under international law, would it not, for the Panamanian Government to pick up one of our fishing vessels that wasn't fishing at the time, but merely going into the Canal Zone for purposes of treating a crewman who was sick? And isn't there a treaty between Panama and the United States which gives us sovereignty over the Panama Canal Zone? Wouldn't this be a clear violation of international law?

Mr. WILSON. Well, in my opinion it would be. International law, itself, is rather unclear and indefinite, admittedly. But certainly history and tradition would play a major part in saying it would be wrong for Panama to take such action.

Senator TUNNEY. Well, thank you very much, Congressman Wilson, for being with us today, and for your statement. I've had a chance to read through it. It's a good statement.

[The statement follows:]

STATEMENT OF HON. BOB WILSON, U.S. REPRESENTATIVE FROM CALIFORNIA

I'm appearing here today to help and to support the tuna industry of the United States . . . not to bury it. That's why I strongly oppose Senate Bill

1988, the "interim fisheries zones extension and Management Act of 1973." I was among the first to come out against the bill. The reason is simple.

If this measure ever became law . . . a death blow would surely be given to the U. S. Tuna Industry. The tuna sandwich and the tuna casserole that we've all come to know and love could very well become faint memories of the past . . . too expensive for most of us to enjoy.

As the world's population continues to increase and meat and grain production begin to fall behind demand . . . mankind is beginning to realize the huge production capacity of the oceans of the world. In recent years, more and more is being taken from the seas. For instance, in 1966, the world fish catch was 114 billion pounds. Five years later in 1971 the total was 153 billion pounds of fish valued at some 10 billion dollars.

As other countries have copied our advanced fishing techniques competition has become keen. Some nations, namely Ecuador and Peru, have staked out 200-mile territorial limits in an effort to insure themselves of a bigger "take." However, most nations realize that 200-mile fishing zones are not the answer and never will be.

It's been the view of the United States that under existing international law no country has the right to claim waters more than 12 miles from the coast. The United States has never recognized claims greater than 12 miles. However, if the United States enacted a 200-mile limit . . . other countries like Mexico, Colombia, and Venezuela would most likely do the same and 42 per cent of the present fishing area in the Pacific would no longer be open to U. S. fishermen. The U. S. Tuna Fleet and the California Tuna Industry would be doomed. Many related industries would also suffer.

For instance, here in San Diego alone, the annual dollar volume for shipyard repairs ranges anywhere from 20 to some 30 million dollars.

Sportfishing is a big pastime in the Southern California area and it would be dealt a serious setback if Senate Bill 1988 became law. Mexico, one of the many countries which would establish a 200-mile limit, would make life anything but pleasant for sportsmen wanting to fish off the Mexican coast.

Worldwide, there are 119 straits that are open and being used by commercial and passenger ocean-going vessels. However, that could all change if the nations of the world follow the United States' lead in claiming 200-mile territorial rights. In addition, scientific oceanographic research vessels might very well be denied access to waters off different coastal nations.

Senate Bill 1988 would indeed start many "tuna wars" since there is no reason to believe that other nations would recognize or respect the proposed 200-mile fishing preserve of the United States. Thus, serious foreign policy problems and enforcement problems would arise. How is the United States going to patrol the vast expanse of 200 miles of open water? What happens if we catch other nations fishing in our waters without permits and they refuse to pay fines?

I think we'd all agree that America has been involved in more than its share of international disputes. In our continued search for peace we would just be asking for trouble, headaches and heartaches with the passage of Senate Bill 1988.

International agreements or international laws seem the most logical and peaceful answer to the problems facing the tuna industry.

Our best hope in solving the problems seems to lie in the Third United Nations Conference on the Law and the Sea. The first session is scheduled June 20 to August 29th of this year in Caracas, Venezuela, with 147 countries planning to take part. During this 10-week session, joint agreements on fish management and conservation programs will be worked out.

However, if the United States takes it on itself to establish a 200-mile limit, everything done so far to preserve the tuna will go by the wayside. Nations will set up their own rules and regulations with little regard for other countries. Tuna will be overfished in some areas and underfished in others. Existing regulations and conservation efforts would no longer be effective.

The Inter-American Tropical Tuna Commission, for example, and the International Commission for the Conservation of the Atlantic Tunas have done much in an effort to insure that the natural resources of the sea are preserved and managed properly. But, both of these respected conservation organizations would virtually be "killed off" by the 200-mile limit.

Tuna have no home . . . they swim the waters of the world following food supplies and likewise that's how the U.S. Fishing fleet must operate . . .

going to where the tunas are. However, if there are a series of jealousy guarded 200-mile zones, it's going to be almost impossible to get the job done. Toes will most likely be stepped on . . . international incidents are sure to grow in number and conservation efforts would be left to the whim of individual nations. The end result may possibly mean the eventual destruction of the tuna resources of the world . . . something that none of us want to see.

To harvest the maximum yield from the seas requires the cooperation of all countries. Mutual conservation efforts, habitat studies and fishing limits will benefit us all.

It makes no sense at all for the Government of the United States to open a Pandora's Box of troubles. Much stands to be lost and nothing gained.

In summary, Senate Bill 1988 is nothing but a problem-maker. First, it would invite other nations to retaliate against the United States by also establishing 200-mile fishing preserves from which American boats will be excluded. Second, the United States will be leaving itself wide open for international disputes and incidents when foreign fishing vessels refuse to observe the 200-mile limit and cross into our waters. Third, the supply of tuna in the United States would decrease and the price would skyrocket higher than ever. Fourth, there would be no worldwide tuna conservation programs or research efforts . . . the result would have disastrous effects on nature, not to mention certain U.S. industries. And finally, the U.S. Tuna Fleet, which is already fighting for its life against higher operating costs and competition from other countries, would be pushed toward extinction.

As the world in which we live gets smaller . . . it's becoming increasingly obvious that only through international agreements and cooperation can the goal of peaceful coexistence be reached.

The tuna fishing industry of the United States must be helped and supported, not legislated out of business.

Senator TUNNEY. Our next witnesses are going to appear as a panel. Mr. August Felando, Mr. Lester Balinger, executive secretary, American Tuna Sales Association, and Mr. Anthony Pisano, general manager, Fishermen's Cooperative Association.

**STATEMENTS OF AUGUST FELANDO, GENERAL MANAGER, AMERICAN TUNABOAT ASSOCIATION; LESTER BALINGER, EXECUTIVE SECRETARY, AMERICAN TUNA SALES ASSOCIATION; AND ANTHONY PISANO, GENERAL MANAGER, FISHERMAN'S COOPERATIVE ASSOCIATION**

Mr. FELANDO. Thank you very much, Senator.

I'm August Felando, general manager of the American Tunaboat Association. The American Tunaboat Association is a nonprofit fishing cooperative organized in the State of California, and has been in existence since 1923. The membership is comprised exclusively of U.S. flag tuna fishing vessel owners.

I have provided the committee with a copy of my statement, I believe the day before yesterday. In addition, I have for the committee a letter from the Propeller Club of the United States, Port of San Diego, opposing the legislation. I'd like to have this letter inserted in the hearing record.

Senator TUNNEY. Your statement and the letter will be included in the record, and I hope, Mr. Felando, that perhaps you could briefly summarize what's in it, so I can ask you some questions. We do have your statement, and have had it for the last 2 days, which has given the committee an opportunity to work up some pretty good questions—and we know how well you've answered questions—and we'd like to have the opportunity to have some time to go into that kind of colloquy with you.

Mr. FELANDO. Yes. The statement was prepared for the purpose of providing the committee with background. It's an extensive statement, something over 7,000 words, with tables and everything else. In addition, the statement refers to certain documents that I will now provide to the committee, namely, a statement of position of the United States particularly with respect to salmon and tuna, that was inserted in the record of the U.N. Preparatory Committee of the Law of the Seas Conference. In addition, some other charts and tables, a copy of the latest Ecuadorian law relating not only to fishing vessels, but to vessels for tourism and scientific research, and in addition, a compilation of all the seizures that have taken place since 1961.

I think it's important that these documents be made part of the record.

Senator TUNNEY. They will be.

Mr. FELANDO. Before I get into my statement, an incident occurred yesterday that the Senator made reference to earlier in this hearing. I would like to set the facts of this incident for the purposes of the record.

Yesterday morning—and, Senator Tunney, this is the way typically it happens—I received an early telephone call from Panama informing me that the tuna vessel *Rafaello* was seized by two Panamanian patrol vessels about 15 minutes after midnight on the 17th of April. The vessel *Rafaello* was proceeding towards the Canal Zone for the purpose of taking the cook, who had been passing blood and the belief was that he had internal bleeding, and it was necessary for him to go to port for the purpose of receiving medical treatment.

The skipper had talked with the manager-owner in San Diego, and the manager-owner instructed the skipper to take him to the nearest port, which was the Canal Zone. The vessel was proceeding off Cape Mala when it was intercepted and boarded. The Panamanian boarding officers examined the log book of the *Rafaello* and detected the fact that vessel had been fishing off Panama some 80 to 90 miles, either on the 16th or 15th.

On the basis of that information the *Rafaello* was seized and is presently in Panama under seizure.

We were informed this morning that there is a possibility that the vessel's cargo of 300 tons of tuna would be confiscated, and that fines will be imposed.

Under the law, namely the Fishermen's Protective Act of 1967, as amended, the Secretary of State has an obligation to obtain the prompt release of a vessel and crew, and to attend to the welfare of the crew of the ship.

On the basis of information that I've received so far, we do not believe that this obligation is being properly performed by representatives of the Department of State in the Canal Zone. This is based on the information that we received this morning. We hope that this information is incorrect.

I think the incident of the *Rafaello* illustrates one of the basic problems of S. 1988, a problem which some people forget. They

assume that the doctrine of innocent passage applies to all flag-vessels. This incident of a tuna vessel going into port for the purpose of providing medical assistance to one of its crewmembers, who is either ill or injured, and then a seizure follows, is not new to us. Unfortunately, many of the wives in this audience know of incidents that have happened in the past to them. This is not a shocking incident to us, only insofar as it's happened too often in the past.

In addition to the *Rafaello*, we've received reports that Panamanian vessels chased another vessel, the *Gemini*, in addition to the tuna vessel, *Pan Pacific*, which hit a reef off one of the islands near Costa Rica last Thursday night, damaging its bow, and at one point the crew had to abandon the vessel. The skipper was able to save the vessel. The vessel was proceeding to the Canal Zone for the purpose of going to the shipyard at Cristobal. This vessel was boarded. Fortunately there were no logbook entries that persuaded the Panamanian Government to seize that vessel.

Panama claims a 200-mile territorial sea.

Now, I'd like to proceed into just a summary of my statement. It's an extremely long statement, and I expect to testify next week in Washington, D.C., and at that time I will go into more details of the statement.

The American Tunaboat Association opposes the passage of S. 1988 because: (1) It adversely affects existing treaties that provide for the rational use and conservation of tunas presently harvested by our members in the eastern Pacific and Atlantic Oceans, because (2) it adversely affects the opportunity of our Government to strengthen such existing tuna conservation regimes or to create new international conservation organizations to manage the tunas, and because (3) contrary to its announced purpose, it denies protection to the U.S. tuna industry, particularly the U.S.-flag tuna fleet operating in waters beyond the jurisdiction of the United States.

I go into an analysis of S. 1988, but I think the objective of S. 1988 is twofold:

(1) It attempts to protect the fish of interest to the United States; that is, to protect the fish from overfishing.

Second, it attempts to protect the U.S. domestic fishing industry.

My statement attempts to show that in fact S. 1988 does not protect the fish—does not protect the fish from overfishing, in particular with respect to the conservation of the tunas.

We believe that it is well recognized that the tunas as a species of fish that cannot be subject to the exclusive jurisdiction of any one nation, let alone the United States. This is because of the unique biological characteristics of the tunas. The ocean distribution and life history of the tunas reveal that their populations range over extensive ocean areas, that they undertake long migrations and are of high mobility. This point has been extensively and specially documented by the U.S. delegation to the U.N. committee that was organized to prepare for the Law of the Seas Conference. One of the documents I have submitted to this committee provides this information.

Congress has also upheld the special characterization of the tunas, and the need to have an international fisheries organization approach

towards the conservation and management of the tunas. I refer to the treaties and implementing legislation connected with the Inter-American Tropical Tuna Commission and the International Commission for the Conservation of the Atlantic Tunas.

The point is, essential to the conservation and management of the tunas is international cooperation. Without that, we have no conservation. The question is: Does S. 1988 affect the existing commissions that conserve the tunas, and does it promote the concept of international cooperation towards the management of the fish?

Now, from the language contained in sections 5 and 11 of S. 1988 it can be asserted correctly—and Senator Magnuson has made this point in the hearings—that S. 1988 does not force the withdrawal of the United States from the two treaties that have established international fisheries organizations to deal with conservation and management of tunas.

We agree with this interpretation but the real question is whether S. 1988, in establishing a 200-mile exclusive fishing zone off the coast and islands of the United States will have an adverse impact on the future existence and operation of the—let's say the Pacific Tuna Commission and the Atlantic Tuna Commission. What will be the reactions of the other countries who are members of these organizations? Will these organizations be able to implement effective conservation measures? Will these organizations be able to attract new members?

These are the critical questions.

In our opinion, S. 1988 will destroy the Inter-American Tropical Tuna Commission and the International Commission for the Conservation of the Atlantic Tunas, and will make the creation of new international fisheries organizations dealing with the conservation of tunas an impossible dream. This opinion is supported by factual information developed during the 25-year history of the Inter-American Tropical Tuna Commission.

At present eight countries are members of the IATTC, namely, Canada, Costa Rica, France, Japan, Mexico, Nicaragua, Panama, and the United States. Up until last Thursday, at least, Panama and the other countries had never enforced a 200-mile exclusive fishing zone. None of these countries enforce a requirement that all foreign flag fishing vessels must have a tuna fishing license as a condition to fish beyond the 12-mile limit.

Two countries have aggressively enforced an exclusive 200-mile limit against U.S.-flag vessels off their coasts and islands in the eastern Pacific: namely, Ecuador and Peru.

Ecuador joined the Pacific Tuna Commission in 1961, and then after amending its constitution to establish a 200-mile territorial sea, Ecuador denounced the treaty and left the Commission in August of 1968.

Peru has always refused to join the Pacific Tuna Commission, on the ground that participation in such international organization would derogate its 200-mile exclusive fishing zone.

Thus, we have the experience in the Pacific where countries use a 200-mile exclusive fishery zone to get out of multilateral agreements, such as Ecuador, or to refuse to join such arrangements, as in the case of Peru.

In recent years, as a participant to the annual meetings of the Pacific Tuna Commission, I have witnessed representatives of member countries to the Pacific Tuna Commission use the threat of denouncing the Pacific Tuna Commission and of establishing a 200-mile exclusive fishing zone.

Thus we have good reasons supporting our belief that if S. 1988 becomes law, other member countries of the Pacific and Atlantic Tuna Commissions will also declare immediate unilateral extensions of exclusive fishery zones of 200 or more nautical miles. They have been voicing this as a possibility. S. 1988 will give them the excuse to act and the reason to explain their actions.

The next question is whether the Pacific Tuna Commission and the Atlantic Tuna Commission would be able to function in an effective manner over a fishery that is subject to 200-mile exclusive fishing zones. The Pacific Tuna Commission made a special study—established a working group to determine the impact of the 200-mile exclusive fishing zone, and they concluded as follows: That the Yellowfin tuna stock cannot be managed effectively without the cooperative efforts of all countries fishing the eastern Pacific, both inside and outside the 200-mile zones. The only international fisheries organization composed of countries who each claim a 200-mile fishery zone is the South Pacific Commission. Chile, Ecuador, and Peru are the only members of this Commission. This Commission is a total failure as a conservation and management organization.

Besides using the South Pacific Commission as a measure of evaluating the impact of 200-mile exclusive fishing zones on the Pacific and Atlantic Tuna Commissions the reality of the new rules of access to fishing grounds offers reasons to support our belief that the Pacific and Atlantic Tuna Commissions will not be able to continue to implement effective conservation measures on the tunas.

Now, Senator, I have a chart that's attached to this statement. It goes into detail as to the catch of the tropical tunas within 200 miles of 12 countries in the eastern Pacific. It indicates the percentages. For instance, in 1973, 72 percent of all the yellowfin tuna in the Commission regulatory area was caught within 200 miles; that 95.2 percent of all the skipjack caught within the Commission's regulatory area was caught within 200 miles.

The other point is this: If you look at tables 1 and 2, where we have, based on the Pacific Tuna Commission's data, indicated to you where the fish were caught off these 12 countries. You'll find that there's a tremendous tonnage of tuna caught within 200 miles.

Now, if you'll turn to table 2 you'll find that the amount of tonnage caught within 12 miles is relatively insignificant.

What this means is as follows: With the new rules of access we are going to be faced with the fact that off the United States, in a 7-year period, a total of 100 tons of the tropical tuna was caught off the United States. Yet, in that same period of time the total catch in the Commission regulatory area for a 7-year period was 1,441,122 tons.

Thus, we believe that the right to exclusive access to little or to some or to much or to none of the tunas within the 200-mile exclusive fishing zone will have a tremendous impact on the political



will of a country to seek international cooperation via an international fisheries organization.

Our experience is that the impact has not been adverse on the spirit of international cooperation if the right to deny access is limited to a 12-mile exclusive fishing zone. S. 1988 will change the ball game, because the legal right of access to the tunas will change as well as the legal right of transit within 2.1-million square miles of the fishing grounds regulated by the Pacific Tuna Commission.

In this respect, therefore, we strongly believe that S. 1988 does not protect the U.S. tuna industry. It in fact does a disservice to our country and to the principle of conservation and management of fishing resources. S. 1988 would represent a stab in the back to the conservation regimes established by the Inter-American Tropical Tuna Commission and the International Commission for the Atlantic Tunas, and also to the future actions to strengthen such organizations or to create new international conservation organizations dealing with the tunas.

Now, I haven't gone into detail as to what happened in the Atlantic. The fact is that almost 100 percent of our catch is caught within 200 miles. Now I've gone into the adverse impact just on two Commissions created by two international treaties, in my statement. I'd like to point out to the Senator that I think that this law creates a direct conflict with the highest law of the land, one of the treaties; in fact, three of the four treaties that were signed by this country in 1958. I won't go into detail on that.

But I think that the other point about this fact is that here we are, through S. 1988, creating a law that is completely contrary to existing treaties that this country has signed. What this does, in my opinion, is send a signal to other countries that reads, really, "We aren't interested in international cooperation." And without international cooperation, Senator, you will kill the tunas.

And yet, S. 1988 says we will protect the fish from overfishing. I think it's an illusion—a grand illusion. And I think it's something that the Senator should carefully reflect upon. And I think it's incorrect for those who support the legislation to say that S. 1988 will protect the fish. For tuna, it destroys the fish.

Now, I'd like to point out another position that's rather different, but as other speakers have stated, S. 1988 represents a unilateral declaration of jurisdiction. And it has been the traditional position of the United States that it does not recognize any unilateral extension of either the territorial sea or zones of exclusive fishing rights. The fact that this Nation is undertaking an effort to help resolve the Law of the Seas by participating in the United Nations Conference is evidence of its policy against unilateral extensions of sovereignty or jurisdiction. The experience of the U.S. tuna fleet off Ecuador and Peru in suffering through 203 illegal high-seas seizures and many harassment incidents since 1961 is based upon the position that the United States does not recognize unilateral extensions.

We agree with John Norton Moore, Chairman, the National Security Council Interagency Task Force on the Law of the Sea, and Deputy Special Representative of the President for the Law of the Sea Conference, when he presented the views of the executive branch on S. 1988:

A unilateral declaration of fisheries jurisdiction at this time could seriously undermine our efforts in the Law of the Sea Conference and greatly hamper the chances for a satisfactory settlement of the fisheries question on a multilateral basis.

Since the summer of 1971 I have attended all preparatory conferences held by the United Nations Committee preparing for the Law of the Sea Conference—and I underline, “preparatory conference”—and I have participated both as one of four fisheries experts to the U.S. delegation to such U.S. Committee, and as advisor to the Department of State Law of the Sea Advisory Committee. I agree completely with Mr. Moore's evaluation of the impact of S. 1988 on the Law of the Sea Conference, and I'm sorry to have to say this.

S. 1988 represents such a reversal of traditional policies by the United States, such an apparent breach of existing treaties, conventions and agreements entered into by the United States, and such a contrast to what has been proposed and offered by the U.S. Law of the Sea Delegation, that it appears obvious to us that S. 1988—and I'm also sorry to say this—characterizes the United States as a country that can't be trusted or believed. S. 1988 represents action that subjects the United States to a well-founded charge of international bad faith.

It seems to me that taking the argument that we need international cooperation to properly conserve and manage tuna can't be disputed, and yet S. 1988 says that it attempts to conserve and manage fisheries, while laying the groundwork for the destruction of international cooperation.

I think other speakers will get into the area of how, technically, the fact that that map up there which everyone has become very familiar with—and in my statement I have another chart, a very long one, Senator, that just talks about the middle latitudes of the world. We're talking about the allocation of the world's oceans to an extent that most people can't visualize. It's hard to visualize an area of the ocean equal to the total land mass of the world today would be withdrawn, taking 118 coastal nations. The Geographer of the Department of State talks about the fact that over 24 million square miles will be withdrawn. We estimate roughly that about 6.7 million square miles would be denied to us under the 200-mile limit for fishing purposes. Just take a look at the fact that Micronesia alone would have an ocean area under its jurisdiction greater than the size of the continental United States, or about 3.1 million square miles. And yet, here's Micronesia with a total land area of 700 square miles.

Should S. 1988 become law I would have to tell every member of our association that the Fishermen's Protective Act, as amended, would not apply to a case in which a U.S. flag vessel had been seized within 200 miles of the coast or island of any country, and I would have to tell them that the Fishermen's Protective Act of 1967, as amended, would not apply to a case in which a U.S. flag fishing vessel had been seized while navigating or in transit, as distinguished from fishing—and I remind you of the *Rafaello* case—and if they had made such a transit within 200 miles, because they would have to follow the local rules published by that coastal state to establish its

passage. And this is because of the convention that this country signed in 1958, that distinguishes the fact that fishing vessels do not have the concept of innocent passage if they do not observe the laws and regulations of the coastal state.

Now, at a later time I believe someone will get into the economics of the tuna industry. At first I thought I would try to list the very impressive figures of the significance of tuna in the California fishing industry. I think it's there, and I think other people will repeat this. I believe a special economic report concerning the impact of this legislation on the tuna industry will be provided the Senator. I would point out the fact that tuna represents about 23 percent of the total fishing industry of the United States, in terms of value. The tuna fleet alone—just of 149 vessels—represents about one-sixth of the total gross tonnage of the entire fishing of the entire United States.

I point out the fact that shrimp, salmon, and tuna, which represent the elements of the fishing industry that will be hurt, and who oppose this legislation, represent about 50 percent of the landed value of all fisheries for 1972. The fact is that 91 percent of all the tuna that was landed by all fishermen in the United States in 1973 was caught beyond U.S. shores. Without the opportunity to fish off other coasts we believe this industry will be destroyed.

We understand that this is contrary to the purpose of S. 1988. We have been told that S. 1988 is being designed to protect the U.S. fishing industry. Without going into all the details, Senator, I think we can demonstrate abundantly that in fact the tuna industry, as we know it, will be destroyed.

It's somewhat ironic to me that we're having this hearing in San Diego in Portuguese Hall, Point Loma. Now the industry started around 1903. The canned tuna industry is a unique industry to the United States. It was started by Californians. It was started because of the disappearance of the sardines off the coast of California around the turn of the century. At the present time, 74 percent of all the canned fishery products consumed in the United States, in terms of value, is canned tuna. According to the National Marine Fisheries Service, 24 percent of the consumption of fish in the United States is represented by tuna.

I think this is the first time we've ever had the Senate Commerce Committee appear in San Diego. We've had enough problems, perhaps, to require their presence in the past. I thank the Senator very much for coming to San Diego to permit us to have the opportunity to develop some of the facts regarding the impact of S. 1988. We have raised some serious questions about the urgency, and the emergency nature of S. 1988, and I think other speakers will get into this area and hopefully answer some of the questions that you will raise.

Senator, we believe that, contrary to the purposes of S. 1988, it will not save fish from overfishing, particularly as to tuna. It will not protect U.S. domestic fishing industries. Because we know, and we can demonstrate, that because of the fact that significant elements of the salmon, shrimp and particularly the tuna industry, will be adversely affected.

For these reasons we oppose the enactment of S. 1988. Thank you very much.

Senator TUNNEY. Thank you very much, Mr. Felando.

Would you identify your colleagues, please?

Mr. PISANO. I'm Anthony Pisano. I am the general manager of the Fishermen's Cooperative Association, an organization of fishing boat owners founded in 1927 in San Pedro, Calif.

The Fishermen's Cooperative Association is a nonprofit cooperative marketing association operating under the Fish Marketing Act of the State of California.

The membership of the Association of about 40 purse seiners is comprised exclusively of boats under 300 tons gross capacity. Our boats are what we in the industry commonly call "combination" fishing boats; that is, part of the year these boats fish for tuna and tunalike species and part of the year they fish for wetfish off the coast of Southern California. By wetfish, we mean anchovies, sardines, mackerel and squid, brought in fresh and wet; thus the name wetfish.

We are appearing here today in opposition to S. 1988, a bill to extend, on an interim basis, the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry and for other purposes.

Mr. Chairman, we are an association of small purse seiners and we will make a brief statement. We generally oppose this legislation for the same reasons expounded by the American Tunaboat Association, and we support their statement. In order not to take too much of your time we will not expand on the same reasons, but limit our opposition to one or two basic objections.

Our basic objections to this bill may surprise you and may even perplex you. Some people may interpret it as being far out, wild, a figment of our imagination, but to us, because of past experience, we fear it is a reality.

S. 1988 purports to protect the U.S. fishing industry, and consequently its fishermen, by extending the United States contiguous fishery zone from the present 9 nautical miles to 197 nautical miles.

We strongly believe that the establishment of a contiguous fishery zone by the U.S. Congress has given ideas to State agencies by providing them with a vehicle on how to regulate U.S. citizens beyond the 3 nautical mile territorial seas of the United States.

Before Public Law 89-658 was passed in October 1966, which established a contiguous fishery zone extending the U.S. boundary seaward to 12 nautical miles, we were always regulated only within the 3-mile limit of the U.S. territorial seas. We believe this was because at that time no one thought or had in mind anything beyond the 3 miles jurisdiction.

But what has happened since 1966?

1. In March of 1970, with no scientific or other proof that a specie of fish was overfished or in danger of being overfished—as a matter of fact, to the contrary, the actual scientific evidence was that this fishery was fished way below the minimum sustainable yield and the stocks were very healthy—we were ordered by a State agency to fish for this specie only outside the 12 nautical miles from the contour of the coast of southern California.

2. Again this year, in March 1974, under the same circumstances and the same facts, we were again pushed out beyond the 12-mile limit.

The point we are trying to make is that we are certain the contiguous fishery zone had started people thinking—although these people may deny it—about regulating the U.S. citizen from the previous 3 nautical mile territorial seas to the 12 nautical mile contiguous fishery zone. This is why we are very fearful that if the contiguous fishery zone is extended beyond the present 12 nautical miles, people will be influenced by those ideas and will think along the lines of placing control within these boundaries on the U.S. citizen.

These are not idle fears. We have well-grounded reasons to believe that we have not been regulated further out than 12 miles because of the limitation contained in the present contiguous fishery zone.

At this point we would like to state that we do not want to give the impression that we are against conservation. To the contrary, we support needed conservation of fish species. In fact, in the past few years we have not opposed but have supported State legislation that has placed a complete moratorium on two species of fish, the sardine and the Pacific mackerel.

Mr. Chairman, at this time we respectfully request that legislation regarding the establishment of a new contiguous U.S. fishery zone to protect the domestic fishing industry and its fishermen, whether it be a Federal statute already in effect or one that is being considered now, should contain a provision prohibiting any State agency to exclude U.S. citizens from fishing in that zone for political or other reasons, unless supported by scientific and practical evidence that the stocks of a specie of fish are overfished and in danger of being seriously depleted.

As stated above, our boats, in order to augment their income and to be able to exist, must fish for tuna and tunalike species part of the year. Being small in tonnage and of a limited range, they fish only off the west coast of Mexico. Because of weather conditions and their size they cannot venture too far out at sea.

We are sure that the passage of S. 1988 by the U.S. Congress will give Mexico the impetus to take similar action and probably before the time the Law of the Sea Conference is held.

Once this occurs, we are fearful the already very restrictive present method of Mexican licensing will go out the window at the same time. None of our boats are capable of fishing outside of 200 miles, and without the tuna catch to augment our income, a certain demise is in prospect for most of us.

For these reasons we oppose the passage of S. 1988 at this time. Thank you.

Senator TUNNEY. Thank you very much, Mr. Pisano.

Mr. BALINGER. I'm Lester Balinger. I'm executive secretary of American Tuna Sales Association. We take care of the sales of approximately 95 percent of the fish that are caught by American flag vessels.

I would like at this time to say that I have read Augie Felando's statement several times, and I think it's just a tremendous statement.

I agree wholeheartedly with the statement. He has presented numerous figures that he wasn't able to go into here today, but which you have. And he has references, and has documented all those figures for your perusal.

I think one point that I would like to make is that, if you'll notice, that 72 percent of the tuna that is caught by American-flag vessels within the 200-mile zone, and that 91 percent of it is skip-jack that is caught within this 200-mile zone that we're talking about, and all of this is delivered to American canneries. Now, while you might think the price of tuna is high in the can, this is the cheapest source of raw material that the canner has. If they lose this source, and this source of supply gets in the hands of other countries that are claiming 200 miles—and they will—this fleet will either have to register to these foreign countries and fish for them, or go out of business.

So the price of this fish to the consumer, as we know it today—as one other gentleman said here previously, it will be for the very few, such as caviar or something like that, instead of the very high-protein, cheap, comparatively, fish that it is today, for the working people.

And I think that in concurring wholeheartedly with Augie's statement and supporting him 100 percent, and with the lack of time, I didn't prepare a statement, because I felt it would just be repetitious. I think Augie covered the situation very well.

Thank you very much.

Senator TUNNEY. Thank you, Mr. Balinger.

I might point out, Mr. Felando, that since we talked on the phone this morning with respect to that vessel, I sent a telegram to the Secretary of State asking that the Secretary do all that the State Department can do to assure that the vessel and its crew are assisted. And I have a confirmation from Mr. Stuart Blow, that they have sent a cable to our consul in Panama to take expeditious action to guarantee the safety of the men aboard the ship and to protect the boat and its cargo. The State Department will keep our office informed of the latest developments. We should by this afternoon have a report on what counsel has been able to do. I would assume that you would also have a report from your own sources.

Mr. FELANDO. Thank you very much, Senator.

Senator TUNNEY. Now, with respect to some of the issues, I know you're going to be testifying in Washington again on this issue, and I suppose that if forces in favor of the legislation were not so strong, that this legislation would have been buried long ago. But clearly, as you know, the forces are very strong in favor of it. And whereas this might, in the atmosphere of San Diego, seem somewhat preposterous, ludicrous, or unbelievable, the facts are that in other parts of the country there is very strong support for the bill.

So the questions that I'm directing at you today are for the purpose of developing as full a record as possible, and I want you to know that I genuinely have kept my mind open on the issue, purposely, and I refuse to allow myself to develop a bias one way or the other until I have had an opportunity to hold these hearings in California, both in San Diego and in San Francisco, where I'm going to be hearing entirely different stories.

So there is no bias that is suggested in any of the questions, despite the fact that they may appear at times to be contentious. It's for purposes, as I indicated, of being the devil's advocate, and in developing the record.

Now, since Ecuador and Peru already have a 200-mile limit, what real effect will a U.S. declaration of 200 miles have?

Mr. FELANDI. No. 1, the effect will be, as was stated earlier, that other countries, particularly Mexico, particularly the Central American countries, will announce 200-mile exclusive fishing zones. Now, the reason we say that is because of what happened in October, 1966, with respect to the law to establish a contiguous fishing zone of 9 miles. Within weeks after the law was passed in 1966, Mexico established a contiguous zone of 3 miles. Its position has always been a 9-mile territorial sea. And so they established a 3-mile contiguous zone, of 9 plus 3. So they went out to 12 miles.

Their law provided that a treaty could be negotiated with most countries for fishing within the contiguous zone, but that after 5 years no fishing would be permitted under any treaty or agreement with any foreign fisheries.

A treaty was negotiated with Mexico in 1967. The treaty ended in 1973, January, 1973. There was no agreement between the United States and Mexico that allows U.S. fishermen to fish within 12 miles.

We think that Mexico would do the same thing that they did in 1966. They will announce a 200-mile fishing zone.

In addition, we think other countries will do the same thing. As indicated in our table covering at least the Eastern Pacific, the amount of fish that will be allocated under this 200-mile zone would be so substantial to those countries that they would see no reason to be members of any international cooperative effort to manage the tunas. We say this because of what Ecuador and what Peru have done.

We feel, therefore, the Commission which has been in existence since 1949, and managing fisheries since 1966, will go out of business. And, in addition, the opportunity for any U.S.-flag vessel to fish within 200 miles would be denied, or phased out, within a short period of time.

Now, the fact is that with the support of the U.S. Government in its position of the 12-mile limit or jurisdiction, our vessels are able to take the chance of seizures. We believe the resistance of the United States to Ecuador's and Peru's claims here now for decades has somewhat contained the 200-mile problem. We think the fact that right now we're having hearings on 200-mile legislation, my personal opinion, might have a lot to do with the fact that we're starting to get now aggressive action by Panama to seize our vessels within their 200-mile territory.

So far, the United States has resisted these efforts. In the past we've been able to contain the problem. Some countries have claimed 200 miles, but they have not enforced it.

I've just talked about the Pacific. I think also the same thing will occur, the same pattern will occur, in West Africa. They have nothing to lose. The only one to lose will be the United States.

In answer to your question, the United States, by going 200 miles, would provide others with an excuse to go to 200 miles, to give

them time for an opportunity to announce treaties, to establish areas that they could allocate to themselves, particularly with respect to tuna, and phase us out of the business. And I think in time it would destroy the tuna business as we know it.

By the United States taking the approach that only by international cooperation can we manage the tunas, by reducing the will to resist that spirit of international cooperation, by denying access out beyond the 12 miles, the United States is taking the responsible position toward the conservation of the tunas.

I think, in brief, that answers your question.

Senator TUNNEY. Isn't it likely, however, that the Law of the Sea Conference will eventually adopt a 200-mile fishing limit?

Mr. FELANDO. Well, if the United States goes to 200 miles the presumption will be that other countries will follow suit. But I don't think anyone can say that right now, that the Law of the Sea Conference will come up with a 200-mile fishing zone, or economic zone.

There has been a lot of talk about a 200-mile economic zone. But at the same time, Senator, if you were present at the working group hearings you would find out that a lot of countries, underdeveloped countries, with extremely small coastlines, are also concerned about their opportunity of access. For instance, Zaire is very much concerned with what Angola is going to do if they suddenly move from 12 to 200. Zaire has a coastline of 22 miles. We have a lot of countries, I can give you other examples, like Jamaica, Trinidad, and Tobago. If you look at that map you can see what happens to the Caribbean.

So that a lot of countries that are underdeveloped, with small coastlines, can't have the luxury of thinking—like the United States; it has a long coastline, or like Australia, or like Canada. They have made many announcements with respect to their 200-mile zone. Many countries have. But they're still trying to figure out how to solve the problem of equal—as they call it—equal, nondiscriminatory, reciprocal access with their neighbors with the 200 miles.

So I don't think it's correct at this time, or to justify legislation such as S. 1988, by saying it's going to be 200 miles anyway, so let's go. Certainly that's not the thinking of the U.S. Law of the Sea delegation.

And the other question is, really are you doing the proper thing with respect to what you said you are out to do? And that is to properly establish a regime for the management of the fishery resources, and really to protect the U.S. fishing industry.

So I think it's too early in the ball game to say that the world is going to go to 200 miles, so why don't we.

Senator TUNNEY. With your experience—certainly there's no one closer to it than you are—does it appear likely that U.S. negotiators would accept a 200-mile limit if the other countries would move in that direction?

Mr. FELANDO. Well—in other words, would they sell out the U.S. tuna industry? Would they change their position?

Senator TUNNEY. Yes.

Mr. FELANDO. Well, I don't think it's appropriate for me to answer that. Right now the U.S. position is one that has a fishery proposal that protects all U.S. fisheries. I think the problem is, are we going



to provide enough regulatory authority to the coastal state to manage their coastal fishery resources and anadromous resources, and are we going to establish a regime that will permit the proper management of highly migratory species?

That's the present U.S. proposal.

Now, if Congress is going to take over the negotiating sessions, if they're going to usurp the Law of the Sea Conference by telling what the Law of the Sea delegation is going to do, and tell the Law of the Sea delegation they have been doing nothing right for the last 3 years, and we're going to negotiate for you, I think this is going to be a travesty on the negotiations.

But I think you're asking me the question: Would they go for 200 miles? With respect to the seabed resources—not talking about ocean space—I think there's a likelihood that the United States would accept a jurisdictional limit of 200 miles with respect to seabed resources, if that would resolve the other issues involved.

But I think it would be pure speculation on my part as to what will happen when you really come down to the bargaining sessions. We're very early in the field of bargaining sessions at the Law of the Sea Conference. So I would try to avoid giving you an answer.

Senator TUNNEY. Well, you are certainly recommending, are you not, that we not accept a Law of the Sea agreement with the 200-mile limitation in it?

Mr. FELANDO. I think—personally, Senator, I'm trying to remove myself, and it's very difficult—but I think this doctrine would cause more problems, more confrontations, than solutions.

I think what has happened to us in the tuna industry, what is happening today, you will see witness of that unilateral action of the type contemplated by S. 1988, where fisheries would be extended into scientific research, to pollution controls, and might in time affect the national security position of the United States.

I think it's a very irresponsible action to take a unilateral declaration to establish a 200-mile zone.

Now, if the question is would something like that be satisfactory if it were done on a multilateral basis, I think it would be a disaster to fisheries resources throughout the world. I can't imagine how you could establish fishery management, particularly with the type of fish we're dealing with, allowing 150 nations to go their own way as to management and as to exportation.

Senator TUNNEY. Would S. 1988 be more acceptable if it were amended to exempt migratory species, like tuna, found within 200 miles, and expressly stated that such species should be managed by appropriate international treaty?

Mr. FELANDO. I don't know how you'd solve the allocations problem, because the law that amends the Fishermen's Protective Act automatically pushes the high seas beyond 200 miles. And it would not solve the access problem. You might be making some political statement, saying that this is the way the tuna should be managed, but in effect what it does is allow other countries to grab up so much of the ocean to be in a position to deny access to others that they would see no reason to enter into any international cooperative efforts to manage the tunas.

And frankly, by exempting us under the act, you still don't solve the problem of establishing a contiguous zone of 200 miles, that, under the Fishermen's Protective Act, would still not allow us protection for seizures, either because they're fishing within 200 miles, or because they were transients. So I don't see how you're going to exempt tuna from the act, and at the same time protect us under the Fishermen's Protective Act.

And, in addition, I don't see how you're going to be a leader in trying to get other countries to continue their cooperation in managing the tunas. I just don't see how, in fact, you're going to be able to amend this act to solve our problems. We'd be happy to examine any language that you might submit, though.

Senator TUNNEY. Well, I'd like to pursue the practicality aspect of your answer. It seems to me that we are allowing the Law of the Sea Conference to establish for us a management structure, correct?

Mr. FELANDO. That's one aspect.

Senator TUNNEY. And that's what we're driving at today. Certainly one of the areas that is going to be hotly debated is the question of management of tuna fishing resources. So we're going to have to rely on the Law of the Sea Conference, hopefully, to establish an international understanding and agreement on that issue, whether this bill passes or whether this bill doesn't pass.

Now, let us say that if we were to specifically exempt tuna, that would mean that we would be in the same position with respect to the Law of the Sea Conference than as we are now, and as we would be, assuming this legislation is not passed in its present form, would we not?

Mr. FELANDO. I disagree with you completely, because what would happen is the United States is saying we're ignoring the Law of the Sea Conference. Congress is saying we don't really believe in it, we really don't trust you Law of the Sea delegation to go down to Caracas and come back with a solution. We're going to go our own way. You're inviting the rest of the world to go their own way, just like the United States. You are reversing the tradition. And in my opinion, I think to be a delegate to the Law of the Sea Conference under that arrangement would cause the U.S. delegation to be a laughing stock at Caracas.

The fact is that you're not really answering the direct thrust of this legislation, and that is the United States is going to go its own way, we aren't going to go to any conference to try to solve this problem on a multilateral basis, and the real basis is, "Well, we know you've been preparing for 3 years, but we don't think anything is going to come out of Caracas, we don't think you can do anything." And I think the reaction of the other countries—what you're doing is providing them with leadership to go their own way.

And I think you're striking into an area here that will lead to a great extent to anarchy with respect to law of the sea—not only fisheries, but all other areas of law of the sea.

I feel that all you would be doing—if you really want to support the Law of the Sea Conference, is to really support the present law of the sea position, not only on fisheries but in other matters, as stated by the law of the sea delegation. Congress has made these resolutions. They adopted these resolutions. But it seems to me that

S. 1988 is raising a real question as to whether Congress really meant what it did when it supported those resolutions.

So why put into law what we call the species approach, which is the fisheries proposal of the United States at the present time? If you want to give the signal to the rest of the world that the United States is serious about this, that the United States believes in that type of proposal, fine. Then I'd say you're supporting the Law of the Sea delegation.

But if you're going to go unilaterally, on your own, then aren't you really breaking down the groundwork for the Law of the Sea Conference? It seems to me that the disaster of S. 1988 is just that; it represents the United States going its own way, and contrary to the stated position of the United States with respect to the fish industry.

Senator TUNNEY. What about with respect to the Fishermen's Protective Act—you said that the passage of this legislation would abrogate, effectively, the Fishermen's Protective Act. That assumes that if we passed the legislation it would recognize automatically the 200-mile jurisdictional claims of the other nations.

Mr. BELAND. That's not exactly correct. You see, the Fishermen's Protective Act really is a misnomer. It applies to all U.S.-flag vessels, and it applies to seizures that take place on the high seas, as recognized by the United States. When you amend the statute by S. 1988, in effect what you've done now is shove the high seas outside of 200 miles. That's what you've done by S. 1988.

And so, then, when you have a situation of a seizure within 200 miles, you have to say this seizure occurred on the high seas, but you're not in the position to say that, because you'll be faced with the fact that this S. 1988 establishes a contiguous zone, now, 9 to 197 miles.

Senator TUNNEY. For the United States.

Mr. BELAND. For the United States, yes. And for the specific language in the Fishermen's Protective Act in 1967. So you're dealing with a language in the act that provides this protection not only for tuna vessels, but all U.S. vessels. And so the critical term here is that the high seas no longer starts beyond the 12-mile limit. S. 1988 now makes it start 200 miles off the coast. So the act is completely out.

Senator TUNNEY. And it would still be out, in your opinion, if the United States specifically did not recognize the 200-mile limit prescribed by other nations? The reason I ask that question is that there are some that have suggested that we would not, insofar as the Fishermen's Protective Act was concerned, be abrogating that act if we refused to recognize the 200-mile limit of other nations. There are some who have suggested that.

Mr. BELAND. Senator, with all due respect, I think in the language in the Fishermen's Protective Act you're dealing with a problem of the term high seas as recognized by the U.S. Congress in amending the contiguous zone. You'd then have a situation where the contiguous zone was now 197 miles. You're dealing with the statutory impact here of S. 1988. This creates a disaster, and I don't see how you can correct it.

Senator TUNNEY. Proponents of the bill, I've heard this said, say that you could amend the Fishermen's Protective Act to make it very clear that you would protect our fishermen who were picked up fishing within the 200-mile limit adjacent to foreign nations. What is your thought on that? What answer will you give next week when you're asked that question?

Mr. FELANDO. If I'm asked, I'd like to take a look at that language to see if it's effective or not. Because I'll tell you, we've had a lot of problems with the Department of State as to collecting on the seizures, and I know it's not a simple thing to make claims with the U.S. Government, and to collect.

Some of the interpretations that would be made by the lawyers in the Department of State would be critical on any language that you would submit.

It's a novel idea, but I think it would require quite a bit to see that in fact the language does what is called for.

Senator TUNNEY. You might think about that some more.

Mr. FELANDO. Well, if you're talking about a technical thing, I think maybe somebody could write up the language. But it seems to me that—you know, would—here you have a situation where the United States has a 200-mile fishery zone, but if another country has it and our vessels are seized within 200 miles, well, you're going to get reimbursed—I think you have a fairly difficult explanation.

Senator TUNNEY. You're saying it doesn't make much sense?

Mr. FELANDO. It doesn't make much sense. It's a nice gimmick.

Senator TUNNEY. Do you think it would make any sense to the taxpayers?

Mr. FELANDO. I think the taxpayers would revolt. I think the fact is we have a difficult explanation as it is now, to the average taxpayer, saying that we will receive partial recovery, and we're still waiting for the day that the Department of State will actually make a mandatory deduction from the foreign aid funds from those foreign countries who seize our vessels.

The other fact is, here we give military vessels—people forget about that type of foreign aid. We give airplanes. And people in Congress support that. They support that type of foreign aid. And I think that's going on now even more so in Latin America, from some recent reports that we have. And I'm very much disturbed with the fact that the President has suspended the application of the military sales act, particularly to Peru and Ecuador, and there's a lot of talk now of giving more Navy vessels to those countries—so I guess they can seize more of our vessels.

But it's strange to me that I don't see a lot of Americans complaining about that foreign aid that's given to those countries who shoot at us, and seize us. And then we receive a partial recovery from the U.S. Government and people are saying, "Why are we subsidizing those people," while forgetting the other subsidy of giving military equipment, military training—right here in San Diego and Norfolk, Va.—to those people who shoot at us and mock us. I think it's a tragedy and a travesty, what we're going through here, and it's a shame that more people in the United States don't know more about it.

Senator TUNNEY. Well, one of the things that I think you are very well aware of is the fact that the chairman of this hearing has very strongly opposed the policy of the State Department in not making the mandatory deduction in foreign aid, and I very strongly oppose giving military aid to any country that seizes our ships—military aid of any kind. I only mentioned that because you have quite appropriately raised the issue here, and I am, in these hearings, attempting to avoid the political issues that are inherent in any discussion of this matter. I have my own very strong views, and they are completely consistent with your views, in this area. But of course, I'm trying today to develop a hearing record on the narrow scope of this bill, which is not related to the other matter of military aid. I think it's as outrageous as you think it's outrageous, to give military aid to people, nations, who turn around and use them against American fishing vessels.

Mr. BELAND. Senator, you know, perhaps I get a little emotional about it, but when I hear my brother come back from Ecuador, and he's going through a seizure episode, and watching Ecuadorian vessels—some former U.S. vessels, and while this seizing business is going on he waves at a U.S. submarine that's on maneuvers with the Ecuadorian Navy, then I think we're starting to hit home a little too much. And when someone comes up with the suggestion that, "Well, we'll provide you protection under the Protective Act; we'll go to 200 miles, and then if you get seized 200 miles off some other country like Ecuador, Mexico, or Peru, and if you're seized by former U.S.-flag Navy vessels, or spotted by former U.S.-Navy planes, don't worry, you'll be reimbursed." And all I see is us just being used as a toy, in a very cruel political game. And I think it's just ridiculous for somebody to come up with that type of suggestion.

And I'm sorry I got emotional about it. But I think that you'd have to follow that suggestion through. How would we explain that to the crewmen on boats? "Fellows, go ahead, leave San Diego; if you get seized off Mexico within 200 miles, it might take you a little time, you might get shot at—we hope you don't get hurt—but don't worry about it, because we're going to protect you under the law, and your fines eventually will be recovered."

How could anyone send anybody, a U.S.-flag vessel, out to sea under that basis?

Senator TUNNEY. I can well understand your emotions, because I feel equally as emotional about the United States sending military equipment down to Latin American countries when it's then turned around and used against the United States. And the speeches that I've made before the Congress, which speak for themselves, point out that in the past 8 or 9 years I've felt as strongly as you do.

But I recognize that today what we're trying to do is establish a record as it relates to this specific legislation, and as chairman of the hearing I feel a responsibility to direct our attention to the details of the legislation, much as I would prefer personally to carry on a colloquy with you as it relates to the idiocy of a Government policy giving military equipment to those nations which are going to use them against us.

Mr. FELANDO. I just received a memorandum from the managing owner of the *Rafaello*. He tells me that the Panamanians are demanding a fine of \$57,200, they want the fish aboard the vessel, they don't have anyplace to unload it at the present time. They're thinking of unloading the fish off this vessel onto barges and taking it to some meat plant in Panama. They said that it might take a week.

Right now, we don't know what the situation is down there in Panama. They told us the second time that a vessel was seized they were going to take the boat. Now, we're talking about a \$3 to \$4 million vessel.

Now, what is this Government going to do about it? And while somebody is having this type of problem, we're having severe problems. We're talking about going to 200 miles, and then we find out from our representative in Panama they have not received any word from the American Consul as yet—at least from what I've learned.

Now, this is what's happening right now. We have problems. Yet people tell me that the coastal fishermen have problems. Maybe they do. But the statistics show me that 86 percent of all the fish landed in the United States—when you except tuna—is taken within 12 miles—86 percent.

I'm sorry, maybe these other persons can answer your questions, but I have a telephone call right now. I'm wondering, who is getting hurt here? Who is really getting hurt in this situation right now? We're faced with people's businesses being destroyed. We're faced with an industry that's going to be destroyed. And right now we have a situation down in Panama, and we don't know where the American Consul is.

Senator TUNNEY. Well, you'd better take your phone call, and hopefully it will be that Secretary Kissinger has gotten hold of the Consul and the Consul is down at the dock.

Mr. FELANDO. Well, I hope somebody—I understand that the OAS is meeting in Atlanta, Ga. right now. Maybe there's a representative of Panama there.

Excuse me, Senator.

Senator TUNNEY. I think that what we might do, inasmuch as these further questions were for Mr. Felando, we may—

Mr. FELANDO. It was the same information.

Senator TUNNEY. Mr. Felando, you're going to be in Washington next week before the committee, and I think that what we might do, because of the number of other witnesses, we might save these further questions until then.

Mr. FELANDO. That's agreeable with me, Senator. As you know, there's a lot of people who will amplify these points, and perhaps answer many of the questions that you have.

Senator TUNNEY. Thank you. I do have, for Mr. Pisano, one more question.

Mr. Pisano, in your testimony you mentioned that a State agency ordered your fishermen to fish outside the 12-mile limit, or what is considered outside the contiguous fishery zone. Is that right?

Mr. PISANO. Yes.

Senator TUNNEY. In addition, you said no evidence showed this particular species of fish was overfished. What species was it? What evidence did this agency give, or what reasons did they give you for fishing outside the 12-mile zone?

Mr. PISANO. The species of fish was anchovies, and the reason was that it was in conflict with other interests in California. And the biologists all support the taking of anchovies. In fact, they say that we underfish the fishery and they'd like to see us fish a little more, because what we fish is minimum. And this fish moves in and out, also, and there's no reason to fish outside the 12 miles.

Senator TUNNEY. What was the State agency that made that decision?

Mr. PISANO. Fish and Game.

Senator TUNNEY. Fish and Game. What right did they claim that they had under law to require you to fish outside the 12-mile limit?

Mr. PISANO. They didn't give you any right under law, but I think they said they were managing this fishery for both the sportsmen and commercial. But we say if we need regulating because of over-fishing, we will stop fishing there, but there is no reason.

Senator TUNNEY. Well, the thing that concerns me, it's my understanding that the law is that the States have jurisdiction over territorial waters, which the United States recognizes to be 3 miles. So how could the State agency tell you that you had to fish out beyond the 12-mile limit, when they have no jurisdiction under the law for that area between the 3-mile limit and the 12-mile limit?

Mr. PISANO. They say that the regulations in California says it's on landings. Even if you can catch the fish outside the 3 mile, that you cannot land them in a port. With that in mind, they regulate the citizen to whatever area they want to. We are saying that there should be a law that protects the fishermen. If the contiguous zone is there to protect the industry and the fishermen, then they should be protected, not preclude them from fishing in that fishery zone.

Senator TUNNEY. I see. So they're using their police power rights to control the activities of the California citizens, irrespective of where they are?

Mr. PISANO. What we are saying is before this contiguous fishing zone was established nobody talked about anything beyond the 3 miles.

Senator TUNNEY. Right.

Mr. PISANO. Now, what we are afraid of is they say to go beyond 12 miles to fish, and when they have 200 miles, they'll . . .

Senator TUNNEY. I see. Just one last question for you, Mr. PISANO. Since your boats fish a lot off the Mexican coast, what is the present method of Mexican licensing? How would this be affected if this legislation passed?

Mr. PISANO. Well, right now, to obtain a license from Mexico, the Mexican law says you have to have 50 percent passenger crews, and there's many other restrictions. No more than 151 licenses a year are issued, no more than 5,000-ton capacity, and once the limit is reached no more licenses are issued.

What we fear—because we talk to the Mexican fishermen, and they're the same as any other people, they like to keep their fish for

themselves, and if the United States goes to 200 miles who is to say they will give us a license when we don't give a license to them?

Senator TUNNEY. So you just feel that this legislation if passed would result in the Mexican Government not giving any licenses to the American fishermen?

Mr. PISANO. They don't give no license now for shrimp. They made that clear, they're never going to give it. And if the crewmen become involved in that shrimp they're going to do the same thing to the other fishermen.

Senator TUNNEY. Thank you. Thank you very much, gentlemen.

We'll hopefully try to wrap up this session by 10 minutes after 12, and then resume again this afternoon at 2 o'clock.

Our next witnesses are owners of fishing vessels. Harold Cary, general manager, Ocean Fisheries, Inc., Joe Gann, general manager, Western Ocean Products, and Richard Hodgkins, executive vice president, Westgate Terminals.

**STATEMENTS OF HAROLD F. CARY, GENERAL MANAGER, OCEAN FISHERIES, INC.; EDMUND A. GANN, GENERAL MANAGER, WESTERN OCEAN PRODUCTS; AND RICHARD HODGKINS, EXECUTIVE VICE PRESIDENT, WESTGATE TERMINALS**

Mr. CARY. My name is Harold Cary. I'm associated with Ocean Fisheries.

The issues here have become fairly clearly defined. In an anticipatory way, I have singled out one idea in a 2-page statement, and that is the purpose of the bill.

It was the clear purpose of S. 1988 to protect the U.S. domestic fishing industry. Now, it was introduced, as most of you know, by Senators strongly favoring the maintenance of a viable, competitive U.S. industry.

In overall terms, despite the real stated purpose, and the sincerity of its sponsorship, S. 1988 does not and cannot protect the domestic fishing industry.

It is certainly not the intent of the legislation to damage the high-seas fisheries of the United States, but as written it will surely do so as it sets in motion the very powerful forces which is going to bring this about.

We use three examples, three of our largest fisheries previously mentioned as making up more than half the fish by value in the United States.

**TUNA**

S. 1988 would simply eliminate a large segment of the U.S. tuna fleet and effectively cripple the ability of the remainder to compete. The reason is, if the 200-mile or greater limit became universal in our areas the only fishing we could do would be at the sufferance of other countries.

I think some suggestions, Mr. Felando has advised me, for compromise have been made wherein the U.S. Government would pay license fees for U.S. tuna vessels to fish. This would require us to believe that the Government would, year in and year out, pay the millions necessary.



It would require us to believe also that the foreign countries would agree to sell licenses. If they have the right to sell them, they have the right to deny them.

The shrimp industry of the United States, which, except for its purely local activities, would be similarly affected.

#### SALMON

S. 1988 would seriously affect the U.S. salmon industry in that adoption of a 200-mile limit, with variations for salmon, would mean the end of the North Pacific Fishery Treaty with consequent problems, such as recognition by other nations of such a new limit or limits. Our own unilateral declaration in no way assures compliance by other nations in contravention of what they consider to be their rights. We can declare, in other words, that we are for the establishment of a 200-mile limit, but other nations are by no means required to recognize this.

S. 1988 would destroy the effectiveness of the Fishermen's Protective Act which provides insurance of and protection for the operation of U.S.-flag vessels operating on the international high seas beyond the 12 miles. This act is of consequential importance to both tuna and shrimp.

So now we can start to compare the purpose of the act, which is to protect the fishing industry, with the practical effects.

Unfortunately, the protection sought to be provided would mortally affect the tuna fisheries as we know them. It would certainly damage, in part at least, our shrimp fisheries, and create new and probably damaging conditions for the salmon fisheries.

It would destroy the protective shield of the Fishermen's Protective Act, as well as the need for our international conservation treaties. It would establish the principle of unilateral action, and there was considerable colloquy on this by preceding witnesses. The United States has not ever taken unilateral action heretofore.

Further, as we look at our international posture in these troubled times, S. 1988 cuts away the ground from the species concept that we propose for the Caracas Conference of the Law of the Sea.

This, to me, capsulizes what is involved. The clear intent to protect the fisheries, in practical effect does the opposite.

I have appended a few things to my statement, which—

Senator TUNNEY. Yes, Mr. Cary. Those will be included in the record.

[The attachments follow:]

#### TUNA VESSEL SEIZURES OFF ECUADOR

November fishing news has been highlighted to date by the seizure of nine U.S. flag tuna seiners and the levy and payment of fines totalling more than \$700,000. The Ocean Fisheries vessel Trinidad was one of those seized. She was fined \$107,000. Additional seizures are expected.

All vessels have been released and are fishing under license fees charged to them as part of the penalty.

Upon return to port, each vessel will submit facts concerning the seizure and file a claim with the U.S. Government, under terms of the Fishermen's Protective Act, for the amount of the penalty levied plus loss of fishing time.

Since Ocean Fisheries, Inc., is now a publicly-held company, we receive many calls concerning this strange situation. Accordingly, we have prepared

the following short history and analysis of it for our stockholders and others interested:

1. WHY THE DISPUTE?

For purposes of fisheries jurisdiction, the United States claims and recognizes an ocean area 12 miles from the coast of any nation. Any distance beyond that is the "high seas," an international common zone free and available to all.

Ecuador claims the area within 200 miles of its coastline as its sovereign, territorial waters, as well as its area of fisheries jurisdiction in which no vessel can operate without buying a license.

2. WHY HAVEN'T THE DIFFERENCES BEEN RESOLVED?

Bilateral negotiations have failed to produce an accord. These have been going on with varying intensity since 1953. There have been long periods without incident during some of these years.

A series of agreements on the world's oceans was reached among the nations of the world in 1958 and 1960. The Convention on the Territorial Sea failed by one abstention (Ecuador's) to reach the two-thirds vote required on a proposal to set the distance at greater than 12 miles. Thus, an overwhelming majority of nations supported this policy, despite its failure of adoption.

Very considerable activity in bilateral discussions has continued in the past three years with no positive result.

3. WHAT IS THE LEGAL SITUATION?

Such a dispute could be brought before the World Court. This requires agreement between the two contesting nations to permit the court to rule. No agreement has been reached or appears possible even though the United States has agreed to join in seeking such a solution.

In broad terms, fishing vessels have no rights per se in the matter. The rights are those of the sovereign nations involved. Our sovereign, the United States of America, considers anything beyond 12 miles as the international high seas for fisheries jurisdiction and each vessel flying the U.S. flag is covered by this policy. Therefore no nation should interfere with any vessel of the United States operating more than 12 miles off any nation's coast.

4. WHAT IS THE PROTECTIVE SITUATION?

While U.S. Government policy and position set the limit of fisheries jurisdiction at 12 miles, what happens when a foreign country chooses to ignore it?

The U.S. does not favor the use of force and does not dispatch armed vessels to protect its rights in these cases. It has however, in the absence of such protection, provided it by legislation.

The Fishermen's Protective Act, as amended in 1968, sets up an insurance plan whereby a vessel owner purchases an annual insurance policy. If the vessel is seized or otherwise interfered with while operating on the high seas beyond the 12-mile limit, the owner files a claim with the Government for:

1. Reimbursement of any fine, license fee, registration fee or any other direct charge paid in order to secure the prompt release of vessel and crew;
  2. Any loss or damage to the vessel or its equipment;
  3. The market value of any catch confiscated or spoiled during detention; and
  4. 50 percent of the gross income lost as a result of seizure and detention.
- All properly certified claims on past seizures have been paid by the Government.

5. WHAT IS THE OPERATING SITUATION?

Fishery vessels of the United States operate in any area of the high seas (beyond 12 miles) under the protection of U.S. policy and U.S. law.

6. WHY NOT BUY A LICENSE AND AVOID ALL THIS COMPLICATION?

The purchase of a license to operate within 200 miles constitutes agreement with the 200-mile jurisdictional claim. Vessels cannot agree since they have no

legal right to do so. The U.S. government has officially advised other governments that our vessels have no obligation to do so.

From a very practical standpoint, the right to demand a license fee is the right to control the fishery. The license fee right now is \$20 per net registered ton. It has generally run at \$12 per ton. It has gone as high as \$35 a ton.

#### 7. WHAT IS IN THE FUTURE?

A world conference is being called for 1973. It may be delayed to 1974.

The United States has proposed what is called a species approach to solving the problem, since there are different fisheries with different problems.

Without going into great detail, the species approach provides for solution of fishery problems under three headings. They group fisheries by their biological characteristics, as follows, to assure conservation, maximum utilization, and equitable allocation.

##### *Coastal resources*

This covers all species other than anadromous and highly migratory species. The coastal state (nation) shall have preferential rights to all coastal living resources off its coast beyond the territorial sea to the limits of their migratory range.

##### *Anadromous resources*

The coastal state in whose fresh or estuarine resources the anadromous resources (e.g., salmon) spawn shall have authority to regulate and have preferential rights to such resources beyond the territorial sea throughout their range on the high seas.

##### *Highly migratory oceanic resources*

These shall be regulated by appropriate international fishery organizations.

Tuna is one of the highly migratory oceanic resources. The U.S. provides that:

1. Any coastal state (nation) harvesting or intending to harvest such a regulated resource (tuna) shall have an equal right to participate in the international organization;

2. No state (nation) harvesting a regulated resource (tuna) may refuse to cooperate with the international organization, but shall comply with adopted regulations; and

3. If the concerned states (nations) cannot, or consider it unnecessary to, form an international organization, the resources shall be regulated by agreement or consultation of participating states.

The plan provides for regulation when necessary on the best scientific evidence available to maintain the maximum sustainable yield, exchange of information, and no discrimination in form or fact against any fishermen.

At present, a number of nations are members of the Inter-American Tropical Tuna Commission. These are Mexico, Costa Rica, Panama, United States, and Japan. France plans to join. Ecuador was a member, but resigned. This Commission oversees scientific work on the tuna species of the Eastern Tropical Pacific and has set catch quotas on yellowfin for the past seven years—a subject to be covered in a future newsletter. There is also a Commission on Tuna for the Atlantic Ocean which will meet November 23 in Madrid. The United States is a member. An Indian Ocean Commission is in the early stages of development. All these form a strong base for a broad international organization.

OCEAN FISHERIES, INC.,  
San Diego, Calif., August 1, 1973.

DEAR SHAREHOLDER: In June, Senators Magnuson, Jackson, Stevens, Cotton, Hollings, and Pastore introduced S. 1983—a bill to extend on an interim basis the jurisdiction over certain areas and fish in order to protect the domestic fishing and for other purposes.

Essentially, the bill provides for extension of the present U.S. contiguous fishery zone from 12 miles to 200 miles for all fisheries and, with respect to the anadromous species (salmon), to extend jurisdiction to wherever they may range.

The term "interim basis" is inserted in the bill because the Law of Sea Conference on fisheries jurisdiction and related matters is scheduled to begin in April, 1974.

The sponsoring Senators—particularly Magnuson, Jackson, and Stevens—are long-time advocates of the advancement of U.S. commercial fisheries. S. 1988, as written will not, however, carry out its stated purpose and, if passed, would produce severe and lasting adverse effects in several directions. Among these are:

1. Adoption of a 200-mile limit, even on an interim basis, could eliminate a large part of the U.S. tuna fleet and seriously cripple the ability of the remainder to compete. Tuna represented over 16% of the value of U.S. (and Puerto Rico) landings in 1972.

2. Adoption of a 200-mile limit would, using tuna as an example, render untenable the international management of the resource. It would also affect other resource management programs.

3. Adoption of a 200-mile limit would have the same effect upon the U.S. shrimp fisheries as in the case of tuna fisheries. Shrimp represented over 26% of the value of U.S. fishery landings in 1972.

4. Adoption of a 200-mile limit would destroy the effectiveness of the Fisherman's Protective Act, which provides insurance of and for the operation of United States flag vessels fishing in the international high seas (beyond 12 miles).

5. Adoption of a 200-mile limit would be inconsistent with United States policy and with its position prepared for the Law of the Sea Conference set for April, 1974. See Newsletter No. 2 for notes on the species concept adopted by the United States.

According to recent news articles, there is concern among representative salmon fishermen that adoption of a 200-mile limit, even with variations for salmon, would mean the end of the North Pacific Treaty with Japan with consequent problems.

There are shellfish species which would probably not require a 200-mile limit for their preservation. These include clams, crabs, oysters, and lobsters, which represent over 19% of the value of U.S. landings in 1972.

From this brief review, we find that a 200-mile limit could severely and perhaps mortally affect 42% of our high seas fisheries by value (tuna and shrimp), create changed and perhaps damaging conditions for another 19% of our fisheries by value, and provide a limit probably not needed by another 19% of U.S. fisheries by value.

It is not the intent of the legislation to damage our high seas fisheries. As written, however, it would do so.

Many persons in the tuna fishing community are writing to the Senators of their states stating their alarm over what appears to be the abandonment of our fishery. Our shareholders who agree with this view can greatly assist by doing the same thing—write to your Senators and to the sponsors of S. 1988, expressing your concern.

OCEAN FISHERIES, INC.  
HAROLD F. CARY,  
*Vice President.*

Mr. CARY. From the very practical standpoint, I would like to mention one thing. In reviewing seizures—I'll make this one comment—from a very practical standpoint, the right to demand a license fee is the right to control the fishery. The license fee right now is \$20 a ton. It has generally run at \$12 a ton. It has gone as high as \$35 a ton. The current asking price is \$60 a ton.

That concludes my statement, Senator.

Senator TUNNEY. Who is next?

Mr. GANN. My name is Joseph A. Gann. We operate a fleet of 13 vessels out of San Diego, and also out of Puerto Rico. Most of the points that we have here have been repeated, so I'll just highlight some of the points that I have.

I think the important point is to take the proponents of this amendment versus the people who are opposing it, such as we, to look at the investment that has been made, say in the last 10 years, and you'll find that the people who are trying to get this 200-mile

protection are the people who haven't been progressive and haven't advanced. They want the Government now to give them some kind of protection. You've got the Russians and you've got the other people cleaning out those fishing grounds. Well, if those people hadn't been sitting on their hands for the last 20 years and had been out there fishing, those people wouldn't be there. Because when you get competition on the fishing grounds, they don't let the other guy in. And I think that's one important point that hasn't been mentioned up to this point.

I think the tuna industry has been progressive—especially in the Eastern Pacific. Although we've been regulated and pushed out and out and out, we're still catching our percentages of tuna.

Senator TUNNEY. The difficulty that one finds in holding hearings on legislation of this kind, particularly as chairman, and when you represent a State like California, is that, quite appropriately you feel the emotion. Just as August Felando was quite emotional about the problems of the tuna fleet as it's operating off the coast of South America, and the fact that they are using in some instances American ex-military vessels for the purposes of picking up our own boats; on the other hand, I have talked to people who are almost purple with apoplexy as they were talking about the Soviet ships that are coming in to what they consider to be American territorial waters and sweeping the fishing grounds. Taking out everything—all the salmon, albacore, everything, and not leaving anything for domestic fisheries.

It is a highly emotional issue, I recognize. What I'm attempting to do here is to try, as we develop the record in as dispassionate a way as I can, to have the basis where I can make a judgment that I think is going to be the best one for the people—all the people—in California, and in the best interests of all the people of our country. Because that's the way we're going to have to decide it.

As a member of the Commerce Committee, I suppose that I'll be active in debating consideration of this bill, if it ever gets to the point. So I sincerely appreciate the fact that we have excellent statements which have been made by you, Mr. Cary, and others who are testifying today.

Mr. GANN. We appreciate your interest, Senator. Another point I'd like to make is on the point of the seizures. Of course, that's been covered pretty well, but we've had many occasions where we've had our personnel shot at, and our boats. But I won't go into all that. One of the important points about passage of the 200-mile bill, is the boat off Costa Rica—we have to get to San Diego some way—or either Puerto Rico. To get to California you have to go outside all those 200-mile limits, and during the energy crisis we'd be burning all the fuel we could get, and possibly be stopped in our fishing for lack of fuel.

We've been back to Washington many a time on seizures and being shot, and what have you. And they all get excited for a day or two, and then they forget about it.

So I think it would really increase the potential for seizures and harassments by doing this.

Now, in reference to the licenses, if the boat was leaving San Diego and wanted to catch fish along the coast and wanted to fish within the 200-mile limit, he'd have to buy probably eight or more licenses to fish. And with these increasing rates, as Ecuador just did, if you wanted to fish in Ecuador it would probably cost the average boatowner \$40,000 and you'd have to pay 8 times 40 to all those countries. You might as well stay home, because you couldn't make any money.

And I think that can be a real possibility because if one country raises it and can get away with it, then they just multiply on and on.

Another point I'd like to make is we do feel that—Africa isn't important to us, since most of ours are out of Puerto Rico—but we see a relationship of certain countries with certain countries. In other words, we see that France has good rapport with Africa because of their colonies and their culture there, but we come in and we don't have that. So they're better than we are in Africa. And the same thing is true here in Latin America. Japan is starting to help over here, and I think they'll have better rapport than we have—culture, background, and what have you. In fact they look at us as more of an enemy than a friendly type person who's trying to develop their countries.

And these countries, of course, have gone in there with subsidy programs. The French have subsidies in these African countries, and they're paying the fishing fleets to fish in there. We don't have any of that, and we'd have a tough time in Africa because we don't have that. And Spain in some of these Latin countries is looking to the examples that have been set in Africa, and we may be on the outside looking in.

Another important factor is in Puerto Rico—I don't know if anyone in this hearing has consulted the people in Puerto Rico—but they are very important to the tuna industry. There are five canneries in Puerto Rico, and about 15,000 jobs and a lot of allied industry very closely related to the tuna industry.

I think that pretty well covers what I wanted to say. Thank you.

Senator TUNNEY. Thank you.

[The statement follows:]

#### STATEMENT OF JOSEPH A. GANN

Mr. Chairman, my name is Joseph A. Gann, and I appreciate the opportunity to present my views on the 200-mile fishery zone to the Senate Committee. Senator Tunney, I would like to at this time point out that allowing only 15 minutes to each of the participants and a total of one day for the hearing is insufficient in properly presenting the background and facts of position on behalf of the U.S. tunaboat owners.

Judging by the media, considerable time and effort has been spent listening to voices of other domestic fisheries from both coasts and the Gulf. Oftentimes you have been deluged with considerable political clout from certain pressure groups in the East Coast and the Northwestern states, so judging from the media we note that they are constantly haunting legislators' offices advocating 200-mile limits for U.S. flag vessels.

Let's look at the facts:

1. Most other domestic fisheries have little or no investment in proportion to the total investment to U.S. tuna fleet.

2. A number of other fisheries making loud clamors for 200-mile have had a history of business failures and economic disaster for many past years.

3. Many of the regional fisheries claim 200-mile and fish on a seasonal basis.  
4. If the aforementioned individual had a 500-mile protective limit domestically, they still would not make a financial success because of the antiquated concepts and operation.

In contrast to the aforementioned, you have a tuna fleet under the U.S. flag of approximately 155 vessels with perhaps another 30 vessels either scheduled or under new construction. The fleet and its catching technique have been often imitated by other flags but never duplicated on its productivity. This fleet has been built without subsidy with an exception of 12 vessels (subsidy was approved over the objection of the U.S. boatowner) based on the premise that American flag vessels would be available to freely fish on the high seas. American investors have put their dollars and their families' signatures on the line.

The tuna fleet has little or no political clout in spite of the tremendous investment. Frankly, gentlemen, instead of pushing doorbells in Washington, we have been out scouting the oceans trying to help the over a billion dollar adverse balance of trade this country is confronted with on fishery products.

We are one of the few fishing entities that have done something in the past about exporting our product to Europe which helps bring in the sadly needed dollars to offset fishery products caught by foreign flags including the Iron Curtain countries.

The State Department has historically strongly urged the cooperation of the fleet not to buy licenses from foreign countries and continue to fish holding up the right of U.S. flag vessels. In accordance with the State Department definition, my boats and my personnel have been shot at following State Department instructions. Of all segments of the U.S. fishing industry, the U.S. tuna fleet has cooperated more fully with our historical policy and with governmental instructions than any other viable section of the fishing industry. We now are faced with a back sliding attitude on the part of certain governmental agencies to give up our historical rights and be coerced into a 200-mile position.

The writer unequivocally wishes to oppose this stand. If our stand should be ignored or overruled and this industry should adopt a 200-mile policy, there will immediately be a crash building program by all coastal nations to build fleets of patrol craft to police our activities. Constant friction and more problems and incidents will immediately develop as long as the tuna fleet continues to operate under the U.S. flag.

If you will bear with me, I would like to explain the type of seine fishing we do and the reason for the inevitable problems that will arise. Fishing for tuna in schools are categorized either as school fishing, log fishing or porpoise fishing. If log fishing, it means that the tuna which school in a pyramid shape under water, the apex of which seeks floating objects such as logs have a feeding pattern because of the small fish attracted thereto. This type of fishing which we call school and log fishing is almost always within a 200-mile coastal shore line. The other types of school and porpoise fishing, wherein the porpoise lead the yellowfin, is found usually also within the 200-mile limit, although occasionally out in the open ocean.

If the 200-mile limit should be finalized and the only type of fishing that could take place is on porpoise, almost 100 percent of the effort would be on this type of fishing. Our areas of catching fish along the Pacific coast cover the ocean boundaries of all countries from the United States down to Chile, which includes 10 countries. On several occasions when our vessels are fishing or bound for home from the southern waters, they are confronted by bad weather. They must seek shelter along the coastline. This occurs generally along the coast of Mexico, Nicaragua, Guatemala and Costa Rica. You can well imagine what sort of harassment our vessels would have in seeking this shelter.

It would also be quite inconvenient for vessels returning to California to discharge their cargoes to stay outside the 200 miles. It would add many thousands of miles and many gallons of fuel. For instance, coming under the Mexican coast from below, we pass close by the Gulf of Terumantepec and Cedros Islands with violent storms occurring during parts of the year. We have to skirt near the coast closely with our fishing gear on board; even if we were not fishing, we would be harassed and policed to death.

In Africa the situation would even be more complicated inasmuch as there are sixteen nations involved. It appears that it would foster an uncontrollable situation. Please try and visualize the problems of licenses and the price thereof being demanded by each country in the Atlantic as well as the Pacific

areas. So many fishing licenses required would make it completely impossible for vessels to operate. We would have to buy at least 16 different licenses in Africa and probably 8 or more in the Pacific. It would be very difficult for a master of a vessel to purchase a minimum amount of licenses, never knowing where the fish are. He could end up buying 8 or more licenses. If these countries follow the example recently set by Ecuador in which they increased their matricula from \$350 to \$700, and tripled their license fees from \$20 to \$70 per registered ton, you can see it would be impossible for the U.S. tuna fleet to function unless they passed on this heavy financial burden to the consumer.

These Latin nations are not noted for their interest in conservation. Time and again I have sat in international conferences and had the representatives testify as far as they were concerned products of any type of fish to feed their people was more important to them than conservation. They are normally fishing with poor equipment, inexperienced personnel and usually the production is not well handled from a preservation standpoint. We would soon have the Fishermen's Protective Act out the window and be subject to all forms of harassment and blackmail by coastal countries.

We have no preferred relationship with other countries abroad. The French are a good example in West Africa wherein they have special treatment all along the West African Coast by former French colonial possessions that are tied also economically through language and culture to France. Heavy French Government subsidies to those countries have been aimed at securing special privileges for the French fleets. You have also a similar situation with many Latin American countries with Spain. The Spanish, through industrial interrelationships, languages and cultural background, are closely tied with many Latin American nations and receive special protection and accommodations for their vessels that we do not enjoy. The Japanese have better reception than we do, through heavily backed Japanese Government subsidized joint operations in foreign countries. In this manner the Japanese are backing their high-seas fishing fleet.

The U.S. tuna fleet are orphans, disowned and ignored in many instances, by this Government whose flag we fly. The Commonwealth of Puerto Rico's voice should also be heard on this matter. There are at least over 15,000 people directly and indirectly employed by the tuna industry in Puerto Rico. The five canning plants employ over 10,000 people, plus the allied industries such as trucking, shipping, retail, wholesale food, hardware, boat unloaders and stevedoring companies. Besides sharply increasing our adverse balance of trade, the tuna industry in Puerto Rico would be seriously crippled or eliminated.

In parting I would like to have you think of the ill treatment afforded U.S. fishermen who have been constantly assured by the State Department and other governmental agencies of the integrity of our flag on the high seas. Also, you should consider the asset of a U.S. flag tuna fleet in time of war as a proven auxiliary force.

If the 200-mile is enforced, then the U.S. tuna fleet would cease to exist and would inevitably be placed in other hands, some of which would be unfriendly to this nation in time of crisis or war. There is no alternative for the fleet except to sell out our vessels and know-how to foreign buyers. In turn, the American consumer will once again be squeezed unmercifully by rising food costs and the dollar will be further depreciated by continued growing adverse balance of trade and fishery products.

It is unfortunate that an industry such as ours is now facing possible penalty for doing a good job for this country on the high seas and domestically. Washington is apparently listening to the voices of politicians from areas in which the fishermen have not been progressive and have not kept up to their foreign competition. Now that they are being put out business by foreign competition, they are screaming for governmental protection in asking for this 200-mile limit.

Mr. HODGKINS. My name is Richard Hodgkins, executive vice president, Westgate Terminals, employing in excess of 200-plus fishermen on 13 vessels, and about 50 shoreside support personnel.

I'd like to point out one thing. The tuna fisherman is a full-time professional fisherman, not a part-time fisherman who fishes 50 or 100 days a year.



I can appreciate the intent of this bill, to protect the coastal fisheries. But the tuna industry is not an American coastal fishery. It's an international fishery.

A great many people in the tuna industry have opportunities to travel to a great many countries, in Central America, Europe, Africa.

Another point is that the American tuna fisherman is the best tuna fisherman in the world. There are many countries that would love to have this expertise and these vessels. There have been many attempts by other countries to build similar type vessels and they, for the most part, have failed.

If this bill passes I personally feel that many countries will immediately adopt it. The two countries that have seized vessels in the past have publicly stated that they are going to keep these vessels if they get another chance—if they get them a third time.

I can't think of a quicker way to build their fisheries and to kill ours. And I'm just amazed, when I personally care as much about this industry as I do, to see the noose tightening ever tighter with the passage of years around the tuna industry.

There's not much more that I can say, other than that I heartily endorse all the statements made by the prior speakers.

Senator TUNNEY. Thank you very much, gentlemen, for your eloquent statements.

We will recess now until 2 o'clock, when we will hear from representatives of canners, unions, and the welfare and pension funds.

AFTERNOON SESSION

Senator TUNNEY. The hearing will come to order.

Our first witnesses who will appear as a panel are Steve Edney, United Cannery & Industrial Workers Union, Carl C. Marino, secretary-treasurer, San Diego Fishermen's Union, and Ralph Spinello, Seine & Line Fishermen's Union.

Good afternoon, gentlemen. Please proceed.

**STATEMENTS OF STEVE EDNEY, PRESIDENT OF THE UNITED CANNERY AND INDUSTRIAL WORKERS OF THE PACIFIC, SIU, AFL-CIO; CARL C. MARINO, SECRETARY-TREASURER, SAN DIEGO FISHERMEN'S UNION OF THE PACIFIC, AFL-CIO; AND RALPH SPINELLO, SECRETARY-BUSINESSAGENT OF THE SEINE AND LINE FISHERMAN'S UNION, AFL-CIO, OF SAN PEDRO, CALIF.**

Mr. EDNEY. Mr. Chairman, I'd like to speak on behalf of the United Cannery & Industrial Workers of the Pacific, SIU, AFL-CIO.

We would like to state that this proposed legislation will affect some 7,000 workers in the fishing industry and will affect them adversely.

I am opposed to S. 1988 for many reasons, but perhaps the most important reason is that such a law could and would destroy the tuna industry causing the loss of jobs for thousands of people at a time when we can ill afford the loss of any jobs.

I have spent some time searching for answers as to why such a bill should be before Congress now, when much of the world community will be considering the same question at the Law of the Sea Conference. I have not found the answer as to why, but I wonder if some of us are not trying to make the work of the conferees more difficult.

S. 1988 is a nationalistic approach to a world problem and coming at a time when some nations of the world are using their resources to impose their will on others. S. 1988 could spark reaction around the world that might boomerang against the United States, causing havoc in the tuna and other industries.

I am aware that there is a clamor among certain segments of the population for some type of protective legislation in the fishing field and certainly there may be some validity to some of the claims that are raised, and we feel in valid cases this country along with the rest of the world must seek solutions thereto, but we are opposed to a meatax approach which would do more harm than good, still leaving the legitimate claim of some segments of the fishing industry unsolved.

We call upon our Government to take a leading role in attempting to find a reasonable settlement for the issues at hand, and by this we mean working in concert with the other nations of the world for the common good of the world as a community.

This country has had a history of supporting the principle of freedom of the seas. This was an important issue some 100 years ago. We should stand with those who believe in freedom of the seas for everyone. Little, if anything, has happened to cause us to abandon the stance taken in the defense of the freedom of the seas in the past; if anything, the need for maintenance of such a posture has increased.

We call upon the Congress to take the act as statesmen and lead this Nation on a path in which we can all be proud of. Reasonable men throughout the Nation will be watching and so will much of the world.

We trust that you and your colleagues in the Senate will recognize that in all probability we are on the threshold of some important decisions. The correct decision can lead to peace, prosperity and tranquility. An incorrect decision will bind us for many years to become a bitter harvest fraught with disastrous consequences.

Thank you very much. That is my statement. And there are a few typographical errors in this that perhaps should be corrected.

I would like to add to this further that I was a little concerned about the statement that the sports fishermen are making such a strong case for this legislation, and I think it's rather ironic that they should be making this fight, solely because generally speaking recreation is something that we use in our spare time, and it's certainly important—the industry itself is an important industry. There are many jobs involved. But I think we have to look at the common good of the Nation. The high amount of food that's brought in by this particular industry—that is, the tuna industry.

I'm concerned that when we talk of 7,000 jobs that we have under contract in the tuna industry, for every one job there are another

five to six jobs generated from this. So we're talking of tens of thousands of jobs that could be affected.

I'm aware, too, that many will say, well, these are scare tactics, they do not favor change, they want to turn the clock back. But that is not the case.

I think—and I can only speak for our union—that we recognize that it will be changed, that there will be change coming, certainly. But we say that the way to do this is in concert with the rest of the nations of the world. We are a shrinking world. We have become interdependent upon each other, more and more.

And one point I would also like to amplify is that I think we have seen in the last few days where the arrogant nations of the world have used fuel as a very strong weapon for forcing nations to look at their position more favorably. And I'm only stating now—others may say this is blackmail, I'm not saying that—but I'm also aware of Secretary Kissinger's statement before the United Nations in which he seemingly has embraced the idea that the so-called have-not nations have some validity in their approach to their resources, and using them in a way to gain more favorable conditions.

This is not the same thing we're talking about here, but I'm sure it could be used the same way, if every nation would use this in this way and chop up the ocean as proposed here.

And one other thing I think you might think of, it's 200 miles today, but what is to stop some person or some head of a country from saying, "I think it should be 300 miles, or 400 miles." Then we could see that we would be reaching a point of no return. It would be really idiotic and could lead to wars among nations, and actually could, if carried out, mean that the stronger nations could impose their wills on the other nations.

For these reasons I hope that you will, Senator Tunney—and I've known you for some time. I'm sure that when you say you have an open mind I can state to the people here, and I'll state to you, that we have found you to be a friend, and we hope that this will be so in the future. Our paths will probably meet again sometime soon as we will be talking to other unions around the country who are affiliated with us, and we will probably come up then with a common approach to this problem. I don't believe that the Nation will come promptly to a solution on this matter. I think cooler minds will prevail. It is not right to write any industry off for the alleged benefit of another.

A more commonsense approach would be to deal with these problems with even-handedness and justness. And I hope that when you deal with this that you will see some of the things we've said, and hope that we can at least give the Law of the Seas Conference a chance to perform their job.

I'm mindful of what you said this morning, that this could lead into the eighties. It need not necessarily be, but I recognize it will be some time. But I believe that time may be on our side.

With that in mind, I'd like to close and thank you very much for coming here and allowing us to testify, and we'll probably see you later in Washington.

Senator TUNNEY. Thank you, Steve.

MR. MARINO. My name is Carl Marino, and I'm secretary-treasurer of the San Diego Fishermen's Union of the Pacific.

Mr. Chairman, U.S. Senate committee, ladies and gentlemen:

The U.S. tuna fishing industry, as well as all others connected with or dependent upon this industry needs your help.

Senate bill 1988 will destroy the U.S. tuna fishing industry unless protection is given in not establishing a 200-mile limit.

The home port for the majority of the U.S. tuna fishing fleet is San Diego. Mexico is only 17 miles away from San Diego. If this 200-mile limit is passed it would mean that the tuna fleet as well as the U.S. flag vessels going out to sea or to fish would have to go out 250 miles west before being able to go south in order that these vessels stay out of the 200-mile limit. This, of course, would mean a great waste of time as well as fuel.

In case of a tropical storm what will happen to the vessels that could accidentally be pulled in or pushed within the 200-mile limit? Or what will happen if the vessel has to go into anchorage for shelter?

If this 200-mile limit is imposed, it will mean that the U.S. vessels would not be able to safely navigate off most of the West Coast of South America, and it would create great difficulty which would arise in reference to navigating to and from the homeports.

Gentlemen, in permitting this 200-mile limit to be imposed all South American countries would also claim a 200-mile limit, creating a destruction of the California tuna fishing fleet.

In representing the majority of the crew members on U.S. tuna fishing vessels, I strongly urge that this committee consider the seriousness of this law and take into consideration the effects that it is going to create for the families which are solely dependent on their means of livelihood from the ocean.

This not only involves the thousands of people with the tuna fishing, but also involves the thousands of cannery workers who work on land and are dependent upon the fishing industry for their means of livelihood.

My father was one of the pioneers of the tuna industry, and it has been a means of our livelihood in the past. Also, it has been the livelihood of a lot of these younger people that have gotten into the fishing business after their fathers have retired from it.

The fishing industry has been developed by these people themselves. They had a hard time developing this industry, spending millions of dollars. This means of livelihood has been for generations the only means of livelihood for many of these people.

Today, imposing this limitation as far as mileage is concerned, or water boundaries, you are taking the rights away from the fishermen due to the fact that there is no longer a high seas. It is a regulatory area due to the fact that we are fishing most of the tuna out of the South American countries, and this would hinder our movements because we would have to stay outside of the 200-mile limit. And in cases where vessels were boarded, that were in certain areas outside of the 12-mile limit, they would accuse you of fishing in their waters because you do have nets on board and you are available to catch fish anytime. This would hinder the operation if you would have to go farther south to fish.

The tuna fishing industry operates on the way the water currents run, and sometimes of the year the fish travel to the north. But at the beginning of the year when the open fishing season comes into effect, the boats have to travel farther south to try to get their fish.

If this 200-mile limit is passed, after leaving San Diego the vessel would already be in violation 17 miles to the south until such time that the vessel got to their fishing areas, because the vessel would be traveling inside this 200-mile limit and we would be the target of countries to pull the vessels in and confiscate the vessels, their cargo, fines would be made, and the fishermen would be jailed.

We therefore urge this committee to support our cause in not passing this 200-mile limit, and to protect the livelihood of our American fishermen, their families, and the all too numerous occupations which also depend on the tuna fishing industry and our American flag vessels.

Please maintain the 12-mile limit and do not go out to the 200-mile limit.

I sincerely thank you for your time and attention.

I would want to elaborate a little bit on this, due to the fact that when we did get this we had a short notice, and I see a map up there which is in the view of everyone, and I would like to show what would happen if these countries would take this position.

There is a particular area which we're all familiar with. We call this the graveyard of the ocean. It's the Gulf of Tehuantepec, a place just below the Mexican coast. You come into this area here, where it says Mexico, and you run into this area in here (indicating.)

The vessels have to get right on top of the beach, when you get up to the beam of Salina Cruz, and hug this belt. It's a low plateau of land, and the winds come up from the Florida coast on just the spur of the moment. And if these vessels—they're sometimes within 3 miles of the beach, in order to make this horseshoe circle. And if this law goes in, these boats are not going to be able to travel on the outside.

If you take and travel across the Gulf of Tehuantepec at 200 miles out, your chances of making it on the other side of the Gulf for shelter would be very nil. There's been very many ships lost due to the fact that they've been trying to pass on the outside of this.

In several cases we have been fishing in areas around close in to the Gulf, and at times have gotten blown out to the sea for 11, 12 or 13 miles. We had to run with it, because it would tear the boats apart.

So, therefore, when you cross that then you've got the Gulf of Papagayo, which is another Gulf. And there's three countries right in there. You've got El Salvador, Nicaragua and Leon, and all three in one little spot. If you're crossing that area and going on the inside, all three countries can come out there and board you, and then you're going to have a jurisdiction fight over who's going to fine who, and who's going to take what.

So, therefore, that's why we urge you people in Washington to protect our cause, because we have no way of operating, we're hindered. Our hands are tied. If this petition goes through, then

I'm more than sure as I'm standing right here that within the next short period of time you're going to have this position taken by Mexico—which is a thing that we're facing. They keep telling us, people from down there are telling us, "Eventually you guys are not going to be fishing here anymore, because we're going to take that position."

Now, I say that that position shouldn't be taken, and that the high seas should be the high seas, and it shouldn't be a regulatory area. We have enough of that now.

Thank you very much, Senator.

Senator TUNNEY. Thank you.

Our next witness is Mr. Ralph Spinello.

Mr. SPINELLO. My name is Ralph Spinello. I'm secretary-business agent of the Seine & Line Fishermen's Union, AFL-CIO, and I represent about 800 fishermen.

I am appearing before this committee because I believe that no country has the right to claim jurisdiction of 200 miles from its coast line. I believe that there should be an international committee to take care of the tuna fisheries for all countries.

By going 200 miles I believe that you would force our American tuna fishing boat owners to go under foreign flags, as well as forcing our American fishermen to lose their jobs, and this is the work most of these men know best. Ultimately a 200-mile limit would cause the cannery working people and all other people their jobs that depend on the fishing industry. They would lose their positions at the cannery, as the cannery industry would follow the fleet to foreign locations.

I hope that you will give serious consideration to the statements given by others in the industry and to facts stated therein.

I, as head of the union, support all facts which have been presented here.

Senator TUNNEY. Thank you very much, Mr. Spinello.

One thing, Mr. Marino, that you pointed out which is of interest to me, you said that sometimes you hug the coast to the point that you're within 3 miles of land. Now, does the Government of Mexico cause you any trouble, hugging the land that close in, inasmuch as you're inside the 12-mile limit? I suppose that on occasion you're within the 3-mile limit. Do they cause you any trouble there?

Mr. MARINO. Well, I was on the *Royal Pacific* in the forties, and we cut into the last point of the Mexican coast, which was Salina Cruz. That's before you get into this Gulf of Tehuantepec which I was talking about.

They boarded us and they asked us why we were so close in. But we had a clearance for high seas on our manifest that says, well, you're going out, and it's on the high seas. And the reason we gave these people was, well, that the weather was bad and they even had some trouble boarding us.

So they let us go by.

But now this is a different ball game. If the United States imposes this, I'm more than sure that Mexico has been talking about the 200-mile limit.

What I'm saying to you, Senator, is what is going to stop these people from boarding our vessels even at that point where we're not fishing in their area, but what we're doing is trying to get across maybe to the South American end, to Nicaragua or to Costa Rica or maybe to Panama—what's going to stop these people from boarding us and telling us, "Hey, you've got nets on the stern of that boat; how do we know that you haven't been fishing in our waters?"

Another thing, they looked at our log. They looked at the log, and the first thing they're going to say—and this happened to me and I know, and I can talk about it—they'll come in and look at your log and say, "Well, them logs are falsified. You've got two sets of logs."

Who are we to prove to them that this isn't true? It's in their country. They make their laws. They do what they want to do. So, therefore, we're going to be pulled in.

Now, you say this isn't done now. I can't recall of any cases like this in the last few years. But what I'm anticipating is what's going to happen. And we're facing this, because we're only 16 or 17 miles away from there. They've got a tuna industry too that they're developing, and we're in contact with these people. And the things that we hear are very, very dim. "That's all we want you people to do is take 200 miles, and then we'll take our course."

This is why I'm objecting to it and I think it would be a disaster. We have pioneered this fishing industry, people have suffered, there's been a lot of blood money made out there, and blood that has been sacrificed in order to develop it. And all of a sudden we're being told that you can't trespass anymore there, you can't go down there and be free anymore, your high seas are no more no longer, it's a regulatory area, you've got to get a pass to go through to Mexico, then you've got to go to Nicaragua and get another pass. Maybe they might charge you a toll fee.

Is this what we're going to put up with? You take the land we've got. There's more ocean than there is land. But if everybody takes that position, I still say that we're going to have chaos, because there's going to be arguments as to who has the jurisdiction of who, or what boat, or where this boat is going to be. In fact, as far as I'm concerned, the Americans today are not well liked anyway. The thing that they look at, "You are capitalists because you're in business."

So, therefore, I know what's going to happen, and I can picture this. And we have to get inside the 200-mile limit to get down to, say Costa Rica or to Panama or to anywhere along the coast there. There's three gulfs that we have to worry about. And believe me, if the water could be drained out of this Gulf of Tehuantepec I'm sure that you'd find millions and millions of dollars worth of gold in ships that have sunk there that nobody ever found, because it's a very bad place. Within a very short period of time it just blows up. The plateau is there, and the winds come in and they really whoop it up, and you have to be on top of the beach in order to be able to cross this gulf.

Therefore, we're in trouble to start off with.

Senator TUNNEY. That's very interesting, and I certainly appreciate your statement. It's a grass-roots, practical matter, and you've displayed a concern which I'm sure is shared by many others.

Thanks very much.

Our next witness is Charles Carry, Director of American Tuna Research Foundations.

**STATEMENT OF CHARLES R. CARRY, EXECUTIVE DIRECTOR,  
AMERICAN TUNA RESEARCH FOUNDATIONS, INC.**

Mr. CARRY. Senator, I'd like to preface my remarks, before I get into my regular statement, by saying one or two things. One is that we supplied you with our statement very late, in fact, only this morning. And we supplied it in a form which is not the easiest to deal with. So you may have a little difficulty following it.

Attached to it are a number of appendices or exhibits. One of them in particular is a photocopy of a map which we've set up on the easel over on the other side of the room. We've reduced it to page size so you can insert it in the record.

And we have an exhibit 2 which is a modification of that showing in a general way some of the fishing areas that are involved here. And you'll see when you examine it that some of them may impinge on the 200-mile zone, and some extend beyond it.

Additionally, I would like to say that I, too, intend to testify in Washington on the 26th, and at that time I intend to cover a subject you averred to this morning in interrogating the gentlemen from the chamber of commerce; namely, the sport fishing activities. While I am not known as a sports fisherman—or recreational fisherman, which is the term I prefer to use—I do have some knowledge of what goes on in the recreational fisheries and I intend to discuss this in some detail in Washington on the 26th.

I would like also just to emphasize a point that Congressman Wilson made this morning in terms of the consumer, and the point is this: Based on the latest statistics that just became available 2 or 3 days ago, the per capita consumption of tuna in the United States is 3.1 pounds per person. That's every man, woman and child in the country, for the year 1973. It's the largest of the several fish species. In fact, it's larger than even some of the groups such as fish sticks, which are made from numerous species of fish. But it's better than 25 percent of the total fisheries products consumption for human food in the country.

In my statement I will refer to various statistics, many of which are contained in the appendices. I'd like to call to the attention of the staff that all of these statistics, every single one of them, is based on U.S. Government figures that are taken from the publications entitled, "Fishery Statistics, No. 5-600," March 1971; "Fisheries of the United States, 1972, Washington, D.C. March, 1973, March, 1974," just issued and just made available. All of the data that we are using here comes from these publications. They can be checked by the members of the committee staff to the extent that the committee staff has the time to do it. I just wanted to authenticate the numbers we're using, because we don't like to bandy around numbers that can't be verified.



Now, Mr. Chairman, my name is Charles R. Carry. I am the executive director of the Tuna Research Foundation, located at Terminal Island, Calif. I have a prepared statement and exhibits for your committee, and I appreciate the chance to speak directly to you on behalf of all the major tuna packers representing in excess of 90 percent of the tuna canned in the United States.

I wish to inform you that we are vigorously opposed to S. 1988 and we urge that your committee not report this legislation favorably.

Our industry is one of depth and progress and contributions to our Nation's economy.

In 1973, the United States tuna canners produced a record 31.7 million cases of tuna valued at the processor level at \$714.5 million—also a record.

The tuna was produced in the State of California, the Commonwealth of Puerto Rico, the States of Oregon, Hawaii, and Maryland, and in American Samoa. You will see from that, Senator, that this is not purely a local industry. And for the benefit of other members of the committee, we want them to realize that it is a national industry, rather than just a provincial California industry.

Economic data concerning employment and other factors will be submitted in detail to your committee later. Unfortunately, time has not permitted us to develop a complete and comprehensive report for this year. Suffice it to say, however, that the California portion of the tuna industry employs in excess of 6,000 cannery workers with several thousand additional fishermen and workers in related industries.

The California tuna industry also provides a base which helps to support the existence of other valuable processing activities—the canning of pet foods, mackerel and squid and the production of fish meal for poultry feed. Without the tuna industry in California as a base, these other activities could not survive.

Of all seafood canned in the United States, tuna has been and continues to be the predominant leader.

The tuna pack of 1973—that record 31,745,000 cases—represented 54 percent of the total U.S. canned fish pack, as is indicated in appendix A. There may seem to be a discrepancy here between figures offered by other people, and which may ultimately be offered by others. We have taken the total canned fish pack, which includes pet food, and of that total, tuna is 54 percent. Others will show that of the canned food fish pack, the percentage is somewhat greater. The two are not inconsistent. I wanted to make that clear.

The miscellaneous pack, which included a large amount of animal food derived from tuna byproducts, ranks second in canned pack with a total of 16,909,000 cases—or 29 percent.

The next ranking seafoods for human consumption—each representing 6 percent of the total pack—are shrimp and clams. Then comes salmon—its 1,422,000 cases accounting for 2 percent, and sardines at slightly less than 2 percent. Now, I'd like to mention the salmon situation. This was an extraordinarily bad year for the salmon industry, and next year may be even worse. But over the long term, the pack is generally in excess of that figure. So this should not suggest in any way that the salmon pack is an unimpor-

tant part of the total canned fish pack in the United States. It just happens we are at the low point in the 6-year cycle.

Oysters, crabs, and mackerel round out the remainder of the canned seafood pack, representing a total of about 1 percent.

Tuna is the major canned seafood available in every hamlet, town, and city in America, distributed by thousands of more workers, truck drivers, train crews, warehousemen, clerks in small grocery stores and big supermarkets, all for the selection of consumers across the Nation.

It is food that, in its various forms of preparation, brings satisfaction and nourishment to our people. It is the food I speak for today as I offer, on behalf of the canned tuna producers, objection to the passage of S. 1988 as it is written, legislation with the stated purpose of "protecting the domestic fishing industry."

Legislation which "protects" our domestic fishing industry?

Hardly that.

Mr. Chairman, with all due respect, we consider our industry to be an integral part of this country's domestic fisheries. But this legislation does not protect us; it destroys us.

It is our considered view that passage of this legislation would terminate the activities of the tuna industry as they exist in this country today. Such destruction, we feel, would be guaranteed by that portion of S. 1988 which calls for the extension of a contiguous fishery zone beyond the territorial sea of the United States to 197 miles from the nearest point in the inner boundary, or, as it has been generally put, the establishment of a 200-mile zone. Any action on the part of the United States unilaterally to extend its jurisdiction will result in the well-known domino effect. Every country off whose shores tuna are found would immediately follow our lead. The result would be the creation of private lakes off the shores of practically every country having a coastline—lakes into which and out of which, and through which tunas swim indiscriminately without regard to national boundaries.

Our opposition to S. 1988 is based on three major precepts.

Precept 1. We oppose the legislation because we believe it discriminates against the tuna industry. The U.S. tuna fishery is highly migratory. Our productive activities, which I will soon show, would be enmeshed by an inevitable institution of 200-mile fishing zones by other nations.

Precept 2. We oppose S. 1988 because we feel it is unenforceable.

Precept 3. We oppose the legislation because we believe it is contrary to the best interests of the world fisheries and many food fish species which can only be maintained and developed and conserved through international agreement and cooperation.

1. The discriminatory nature of S. 1988 insofar as the tuna industry is concerned: The tuna are a specialized fast-growing and fast-moving fish which spend most of their lives migrating the high seas. They are found in all the temperate and tropical oceans of the world. The younger fish congregate in surface waters, sometimes near coastlines of islands and major land masses and sometimes on the high seas near current interfaces and other areas where the upper mixed layers are shallow. The older fish are down in deeper waters throughout the world oceans.

U.S. tuna clippers take their catch mainly in two ocean areas, the eastern Pacific and the eastern Atlantic. But on a world catch basis, the Pacific gives up over 60 percent; the Atlantic over 20 percent, and the Indian Ocean the rest.

Senator TUNNEY. Could I stop you there, as a point of interest? What age are the typical tuna caught, for the purposes of this industry?

Mr. CARRY. We have in the audience an expert biologist, but I will take the liberty of practicing on their license, if you don't mind, Senator, and say that normally the fish we first catch, at the first end of the fishery, are somewhere between 1 year and 18 months of age. And insofar as we're concerned, they're effectively out of the fishery by the age of 5. And since they don't live much longer than 5, the deeper fish, the older fish are the ones that the Japanese longliners, Korean longliners, and Taiwanese longliners, normally catch.

Our fishery generally effectively operates on fish from 18 months of age to about 4 years.

Senator TUNNEY. 4 years. And what weights do they run?

Mr. CARRY. They range anywhere—well, we have legal limits in the State of California, by the day—4½ pounds for a skipjack, and I think it's 7 pounds for yellowfin and albacore. They run from that weight up to about 150 pounds. Above that, they're not desirable for our purposes for canning. Now, they are useful to Japanese and other people who make sushimi of them, and use them for other purposes. But essentially, our fishery wants—to the extent we can get it—we'd like to have them at the smallest 10 pounds, but we sometimes get smaller than that. And from there to about 150 pounds, sir.

Senator TUNNEY. Thank you, sir.

Mr. CARRY. I refer now to exhibit 1 which is a map showing what a universal application of a 200-mile territorial limit would look like if S. 1988 were passed and all other nations followed suit, as would be expected.

This is a map prepared by the U.S. Department of State, and best indicates the areas which would be forbidden to U.S. tuna fishermen if the 200-mile territorial limit became universal.

Any inspection of this projected area of seas which could be denied our U.S. flag fleet in its quest for tuna should be done in context with the nature of the fish involved.

As was previously mentioned, tuna is a highly migratory species and scientific taggings over the years have proved this to be the case. For example:

In 1 year, albacore off the east coast of Japan can migrate to the west coast of North America, and vice versa;

Northern bluefin have been captured in northern European waters off the coast of Norway and in the Bay of Biscay, and off Brazil. And these fish were originally tagged off the eastern United States;

Yellowfin tagged off Mexico have wound up off Panama, Colombia and Ecuador.

And so it goes. Tuna are extremely mobile and do not recognize imaginary boundaries in the sea, and I cite no less an authority on this subject than Dr. James Joseph, a marine biologist of inter-

national reputations and director of investigations of the Inter-American Tropical Tuna Commission, a most successful multinational organization for fish management.

In a classic monograph entitled "International Arrangements for the Management of Tuna—A World Resource," Dr. Joseph stated flatly:

The establishment of imaginary boundaries for tuna is not realistic. The problem of imaginary boundaries can also be extended to those established in the basis of territorial claims of the coastal states, whether these be 3, 6, 12, 80, 120 or 200 miles in breadth. The animals themselves do not recognize these boundaries and therefore tuna conservation programs established on that basis will not work. In no case will unilateral, or even multilateral action taken within territorial seas, whatever the breadth, suffice to allow the proper management of tuna species since tuna are too wide-ranging.

Therefore:

In formulating fisheries conventions which apply to tuna and other high seas resources of a migratory nature, the convention area with respect to scientific research and management should include the territorial waters of the coastal states if the fish occur therein during some stage of their life.

This theory of conservation is also applicable to the philosophy involved in the proposed extension—where tuna are concerned—to a 200-mile zone.

Returning to exhibit 1, which shows the global effect of a 200-nautical-mile territorial sea claim, we note that the shaded areas would be under the control of the nations which they adjoin. At first glance, it might seem that the unshaded areas of oceans offer considerable room for a high seas fishery.

But, recalling the migratory nature of tuna, we now present an extension to exhibit 1. All of the beige areas on that map would be in conflict. This is a map prepared by the U.S. Department of State.

My associate is putting an overlay over the map which, if he would turn it around so that the committee could see it, would indicate some of the major fishing areas in the world ocean along the coast of the United States, that indicates the albacore fishery. There is a reddish area indicating the yellowfin and skipjack fishery off the coast of Japan. There's a green-shaded area which is another albacore fishery. And off the coast of Africa, in the Gulf of Guinea there is a red-shaded area which indicates the yellowfin and skipjack fishing areas. And in that particular case, as was said earlier today, all of the fishing at this time is within 200 miles of the coast. If those coasts were to go to 200 miles, and refuse to issue permits, or establish permits on an exorbitant fee basis we would be completely excluded from that area. And that area is desperately needed as a supplement to the areas where we otherwise fish.

I've digressed and amplified, and lost my place.

Last year, 77 percent of all tuna fleet landings were made within 200 miles of the 12 nations bordering the eastern Pacific. The twelfth was Chile.

Senator TUNNEY. Why was that? No fish there?

Mr. CARRY. Our fish didn't go that far south. As of now, the fishery off Chile is problematical or conjectural, at best. Sometimes there are fish there and sometimes there are not. We're never quite

sure. If we can fulfill our requirements north of there we stay north.

And in years past, the percentage of annual catch ranged as high as 93 percent, again all from this area.

Then, when we consider the additional catch from the African coast, again within 200 miles of shore, where yellowfin and skipjack roam, the percentages increase all the more.

Since tuna is swift and far-ranging, the tuna clippers flying our country's flag must list mobility as a top priority in order to be successful.

Put up a territorial fence 200 miles out at sea and the U.S. tuna clipper returns to port with an empty hold, or practically empty, and the tuna industry and the consumer is cut off from a vital source of food. And particularly protein, which is one of the materials which we need the most.

Thus, insofar as the tuna industry is concerned, we do not see where the passage of S. 1988 would protect our important segment of the domestic fishing industry.

Continuing on to precept two—the unenforceability of the legislation, we must question whether serious consideration has been given to the number of naval vessels and aircraft that would be necessary to patrol a zone 200 miles off our coasts.

S. 1988, as it now reads, would call for an extension of patrol area to an additional 2,282,000 nautical square miles—not including areas around the Virgin Islands, American Samoa, Guam, Wake, Midway, Johnston Island, et cetera. [See International Boundary Study, Series A, Limits in the Seas; August 12, 1972—issued by the Geographer, Department of State.]

Who, pray tell, will patrol?

The Coast Guard, with cutters in deep seas? They can hardly make it that far out.

The Navy?

We have the highest regard for the capabilities of the men and women engaged in the service of our country, but let us address ourselves to the realities that exist.

At the present time we experience difficulties enforcing the regulations of many fisheries' treaties as well as those regulations establishing a contiguous fishing zone beyond the territorial sea of the United States—in accord with an act approved October 14, 1966, which covers the area generally referred to as the 12-mile zone.

Were S. 1988 to call for patrols of 2,282,000 additional nautical square miles of ocean, we firmly believe it is economically and practically impossible to police this vast jurisdiction.

Senator TUNNEY. It's been suggested by some that we could do it by satellite. Do you have any thoughts on that?

Mr. CARRY. I know that among others, that I'll be referring to a little later on, Mr. Dykstra from Point Judith suggested satellites and other electronic gear would be the way to do it. If we can't do it by satellite now, dealing with a much smaller area, what leads us to think that we can do it in a larger area by satellite? We have the problem in the Gulf of Alaska and in the Bering Sea, to name one area, with cloud cover where the satellites can't possibly see what's going on on the surface of the ocean. We have cloud cover problems in other areas.

I doubt that satellites could do it by infrared photography or sensory equipment of any kind. I just don't see that this is a practical way to do it.

Now admittedly I'm not an expert in the field of satellite technology, nor of even photography, nor of electronics. I would prefer that people who are more versed in that area try to answer the question. My own opinion is that it can't be done. And that's strictly a personal opinion, of course.

It was only by good fortune that the Coast Guard was able to apprehend a Bulgarian fishing vessel recently off the coast of New Jersey. This was only 1 month ago.

It was the same kind of chance encounter whereby the Coast Guard spotted a Japanese fishing boat 750 miles beyond the 175-degree line established off our west coast by treaty—the so-called abstention line—to protect the American salmon industry. How, one might ask, did the Japanese trawler manage to steam 750 miles into forbidden territory before being caught?

Mr. Chairman, the problem of proper patrol is enormous, and the consequences could be disastrous.

For example, if S. 1988 should come to pass, what are the guarantees that other nations would accept it as a law governing them? We have an important precedent in this area of nonacceptance. The United States established it, for which we are thankful. Chile, Ecuador, and Peru passed laws claiming the fishing rights to a territorial limit of 200 miles. To this date, the U.S. Government refuses—and with good reason—to recognize those laws.

The tuna industry has suffered with each attempt by those governments to enforce their unrealistic laws, especially when gunboats given to those countries by the United States wound up firing at clippers flying the American flag. I might mention, this morning Mr. Gann did not testify about the fact that he and his company are the owners of the *San Juan*, that was badly shot up about 4 years ago by a Peruvian gunboat. Photographs of the bullet holes in the wheelhouse and other damage done to the craft are all on file in the State Department in Washington, in case you have any interest in seeing them.

But they have been minor skirmishes, albeit hinting at the disastrous possibilities that loom under a 200-mile enforcement off our shores.

It is a matter of record that our Navy has not protected the American fishing boat in Eastern Pacific waters, even though our Government has taken the position that U.S.-flag vessels were rightfully fishing those waters. How, then, can we expect the Navy or the Coast Guard to protect fishing rights of 100, 150, or 199 miles off our shores?

Are we prepared to shoot the fishing fleets of Russia, Poland, Japan, East Germany, Bulgaria, South Korea, France, or China out of our waters? Hardly.

It is completely illogical to expect a satisfactory and peaceful conclusion to our fishing problems by erecting a hypothetical fence around our areas and, in effect, telling all other fisheries to keep out.

An authority for this is Jacob Dykstra, president of the Point Judith Co-op, and long a coastal fishery authority and leader. In

the prestigious publication, Saturday Review—World Edition, dated December 4, 1973, the author of the third article of a "Chaos at Sea" series stated:

One thing Jake knows is that a 200-mile exclusive zone will never work.

And Mr. Dykstra is quoted as saying:

For the average coastal fisherman it would be simplest and neatest just to say, "Stick the fence out there two hundred miles and tell them to keep out." But it's not what we can sell.

For instance, it doesn't protect the salmon fisherman on the west coast, in the northwest and Alaska. Their fish range beyond two hundred miles. It doesn't please the tuna fishermen, because that's what the South Americans are trying to do to them right now. And it doesn't please the shrimp fishermen, because we have a high-seas shrimp fleet that this runs into, smack, head-on.

Now, I am well aware that my friend, Jake Dykstra, appeared before this committee in Washington, D.C. on Thursday, December 6, 1973, 2 days after the publication date of this Saturday Review article. And I know that he expressed support of S. 1988, as is his prerogative. I find it difficult, however, to reconcile one position with the other, but then the world is full of contradictions.

Our industry position, however, has been a consistent one even though it has been contrary to those taken by many witnesses who have appeared before this committee previously. We have an obligation, we feel, not only to the industry we represent but to the consumers who benefit from our product. And we have maintained our position because of the migratory nature of our fishery which we contend merits treatment different from that of other fisheries.

At this point, for the record, I must stress the fact that the U.S. tuna fishery is concerned with the continued prosperity of all U.S. fisheries. We are concerned about the problems of the salmon fishery, the crab fishery, the haddock and halibut fisheries, with those taking mackerel, shrimp—both offshore and long-distance, and the sardine fishery.

We deplore the overfishing which has probably resulted in depletions of some of the species—halibut, yellowtail flounder, and the like. But we must face up to the fact that some of the overfishing has been of our own doing. And I can testify to this, because in particular in connection with the haddock fishery of the Atlantic coast, a fishery controlled by ICNAF, the first regulation by ICNAF was a mesh-size regulation that was imposed on the U.S. fleet back in the early fifties, long before the Russians even had a boat that could go out on the ocean, when they were still operating in the Caspian Sea and Baltic and places like that. We had to control our own fishermen, and we were overfishing at that time. So we can't blame all this on the Russians, the East Germans, the West Germans, the Poles or anyone. We have to take into consideration that we are partly responsible.

We also must, at this time, in the interest of our industry and in the interest of offering a modicum of objectivity in the sea of emotionalism which has engulfed this issue, point out some discrepancies which have emerged from testimony given to this committee.

As an example, a review of previous appearances by witnesses shows a host of well-intentioned, but not completely informed, representatives of fisheries and fishermen contending at length that the

presence of foreign factory fishing ships just outside the 12-mile zone off our coasts has been a major reason for their diminishing catches.

The charge has been levied that the Russians, the Japanese, the Poles, Bulgarians, East Germans, South Koreans—you name them—are lurking just outside our 12-mile zone to scoop up our fish and thereby limit our catches.

But let's examine the records—in this case those of our own Government authority, the National Marine Fisheries Service of the Department of Commerce—and see exactly where our United States total fisheries catches come from. Again, Senator, I refer you to these three publications. These are the bases of the information that I'm now going to discuss.

Looking over appendix C, the "Commercial Landings of Fish and Shellfish by U.S. Fishing Craft by Distance Off U.S. Shores"—we find the following to be selfevident:

1. In 1971 total U.S. landings of fish and shellfish amounted to 4,969 million-plus pounds. Of this, 3,950,425,000 pounds were caught within 12 miles of our coasts.

2. In 1972, our coastal fleet, operating again within 12 miles of our shores, caught 3,511 million-plus pounds out of a total U.S. catch of 4,894 million pounds.

In 1973, last year, the total catch of fish and shellfish inside our 12-mile zone was 3,776,843,000 pounds out of an overall total of U.S. landings of 4,926 million pounds.

Viewing the 10-year span from 1961 to 1970, we note our total no great depreciation has been suffered over this period of time. In fact, when one compares the average annual total catch with last year's total, we note an increase of more than 500 million pounds.

As an aside—since we are talking percentage figures and since your committee has been thoughtful enough to schedule two hearings in California, I think it might interest you to note how the California commercial fishermen divide their catch—in terms of geography and productivity.

Fifty-one percent of the licensed commercial fishermen in this State are from northern California, while 49 percent, many of them tuna fishermen, are from Southern California.

In terms of catch percentage and value, the 51 percent of Northern fishermen account for 15 percent of the catch and 17 percent of the dollar value. The southern California fishermen are credited with 85 percent of the recorded catch and 83 percent of its dollar value. I'd like to enlarge just a bit on that. Many of the northern California fishermen, by the way, fish albacore which is a tuna, and which is not susceptible to control by a 200-mile limit, particularly the albacore in the Pacific, which makes a grand circle from California to Japan to Hawaii back to California and back to Japan and then to the Central Pacific where they ultimately disappear.

So that many of the northern California fishermen are tuna fishermen, although the way it's stated in the data this does not appear. And I should point out further that when we talk about



85 percent of the catch, and 83 percent of the value coming into southern California, we have to figure how this breaks out into the community. This goes to the fuel suppliers, grocery suppliers, shipyards, and everybody else. It works out into the community, so that this 85 percent is a much more significant figure to southern California than is the 15 percent in northern California.

Continuing with our examination of the facts concerning our country's total fisheries' landings, we offer appendix D for examination. Rather than dealing with poundage figures, we check into the percentage catch comparison of landings within 12 miles of our coast as against total U.S. landings. And if you will look over on the easel, Senator, you'll see a small chart over there, which is the same as appendix D in your file.

This illustrates the picture much more graphically. The pink or red area at the top is the catch from 0 to 12 miles out. As you will note, in 1971 it was 80 percent. In 1972 it was 77 percent. And in 1973 it was again 77 percent. The point I'm trying to make is that 200 miles would protect, if anything, a minute—a miniscule portion of the total fish catch of the United States. It's not necessary. Twelve miles takes care of 77 to 80 percent. Then why do we have to have this magic number 200? Examination of this chart shows that in 1971, 80 percent of all total landings of fish and shellfish by U.S. fishing craft was within 12 miles of our shores, only 12 percent was accomplished beyond the 12-mile zone, and 8 percent was taken on the high seas off foreign shores.

Not much change in 1972. Seventy-seven percent of our U.S. fishing craft landings happened within our 12-mile zone or our coastal fishery; 11 percent was taken beyond 12 miles, and 12 percent, our tuna and shrimp catch mainly, was taken on the high seas off foreign shores.

1973 also showed little change from 1972. Our total catch by U.S. craft of fish and shellfish within the 12-mile zone again was 77 percent. Greater than 12 miles, the percentage figures were 12 and 11, respectively.

Now, I don't mean to imply by the use of these facts that the constancy of these coastal catch figures over the past years indicates that all is well with all our coastal fisheries. And I certainly don't want any of my words to appear as justification of the foreign fishing fleets vacuum-cleaning our seas beyond the 12 miles.

Anyone connected with our U.S. fisheries has a lot of problems. And, for that matter, so do most of our world fisheries. The principal problem is the one that was noted recently by a leading oceanographer of our times, Jacques Cousteau. In an international story serviced by United Press, Mr. Cousteau was quoted as saying:

In 10 years there will not be any fish remaining to take out of the ocean.

Mr. Cousteau is further quoted as saying:

I am not an alarmist. But I know that the rate with which the oceans are being depleted and befouled by man that we can no longer harvest the sea as we have. We keep taking out and putting nothing back.

Agree or disagree with him, there is no doubt in the minds of all those seriously involved in the furthering of our fisheries that constructive, cooperative and long-range planning is called for—is, in fact, an absolute necessity.

But, we respectfully maintain, S. 1988 is not the answer. And of itself, it does not provide a means of conserving any fish species. Some species are amenable to preservation only by national action; others require international management regimes. Some species, which are the object of exploitation by one or more countries, can be managed under the provisions of such documents as the Fisheries Proclamation issued by President Truman on September 29, 1945, but which has never been implemented.

In fact, there exist still other mechanisms for the protection of endangered and overfished species, mechanisms which have been provided by the 1958 Geneva Fisheries Convention. Both devices—the Truman Proclamation and the Geneva Convention—assure the authority to negotiate new bilateral or multilateral conventions or agreements where needed.

These are just some of the measures that can be utilized on an interim basis until the rapidly approaching Law of the Sea Conference can successfully complete its work.

In the material that I have presented to the members of this committee at this hearing, as the representative of our U.S. tuna canners, I have attempted to offer an insight into some of the problems which would be surfaced by S. 1988.

I have also attempted to present some fisheries facts which I trust will aid the members of this committee in their deliberations. These facts, as we see them, do not justify the emotional claims put forward by some witnesses at previous hearings.

We urge you most strongly to sift the emotions from the facts—the facts that S. 1988 will destroy the U.S. tuna industry as it exists today—the facts that our U.S. coastal fishery year after year has realized with consistency the great bulk of its landings within the 12-mile zone—the fact that migratory species are amenable to management only by an international regime—the fact that S. 1988 would prevent such international agreements—and the fact that serious attempts to enforce S. 1988 could result in drastic international incidents on the high seas.

We urge you to examine and weigh all the factors involved and to decide on the basis of the realities as they exist and the necessities incumbent upon all nations to work cooperatively for the common good of a world peace.

Thank you, Mr. Chairman, for the opportunity of appearing here today. I'm prepared, Mr. Chairman, to attempt to answer any questions you may have. I am sorry you didn't have my statement in advance. Some of the questions you asked other witnesses might be properly asked of me, and if you choose to do that I'll try to answer them.

Senator TUNNEY. Thank you, Mr. Carry. I think yours is an excellent statement. I'm mindful of the fact that you are going to be back in Washington to testify to our committee on the subject next week, and I think that perhaps in the interest of time and because we have some other people here who will not be back and who are waiting to testify, that we'll hold questions until then. I have some meetings in the Imperial Valley this afternoon, prior to going up to Banning for some meetings there this evening, and then going to San Francisco later on this evening. So I think we probably ought

to pass on the questions that I have for you. I have quite a few questions for you, but we'll catch them next week in Washington.

I will ask one question, and that is: Have you ever discussed these statistics with some of the fishermen in the northern part of our State, in Washington or Oregon, for the purpose of trying to develop a common policy for the fishing industry as it relates to territorial waters? The reason I ask that question is that it seems to me that the fishing industry has only to gain by the commonality of purpose, and it's pretty badly divided at the moment.

Mr. CARRY. I'm glad you asked me that question, Senator. That gives me the most beautiful opportunity I've had today.

The species approach, as it's referred to in the U.S. delegation to the seabed committee meetings, and as it will be referred to in the delegation going to Caracas, is a position that was developed by the people in Northern California, in cooperation with Mr. August Felando. I, unfortunately, wasn't at that meeting. If I had been, we might not even have a species approach, I'm sorry to say.

But at any rate, it was developed by Mr. Felando, the people from Northern California, the people from the Pacific Northwest, Mr. Dykstra and other people from New England. They all got together in San Francisco about 4 years ago, and they came up with this as a position with which we could all live.

And we to this day are adhering to that. They are the ones that have broken away from it.

We haven't discussed these numbers that I mentioned, because, quite frankly, we only developed them within the past couple of weeks. I'm convinced that if we were to show these numbers to these people they'd say, "Don't confuse me with facts; my mind is made up." Because that's exactly their position now. "We don't want facts, we're dealing in emotions."

We are adhering to the agreement we made with the rest of the industry. The rest of the industry has run away from it. And that's why, in my statement, I said we've got the system. We have followed this position. We have agreed that international management of migratory species—and by the way, this doesn't only include tuna; it includes such things as oceanic herring, oh, there's dozens of species, actually, that would be affected by the migratory position. We have agreed to stick to this. The others have run away from the position they agreed to.

We'd be very happy, and hopefully, when they see the transcript of this hearing they will see these numbers, and if they can disagree with them, I'd like to know about it.

Senator TUNNEY. Well, I'm going to be holding these hearings in northern California tomorrow, and I'll have a copy of your statement and will go over some of these figures with them. We'll also go over with them the questions that you raised as to the consistency of your position, and others connected with the tuna fishing industry, and the purported shift of position that they have entered upon.

Mr. CARRY. We would be very happy to have you do so, Senator. And except that it would be gilding the lilly, we would possibly

even send somebody to San Francisco to sit in on the hearings. I'm not sure whether we will or not yet. This is a decision that might be made later tonight by some of us.

At any rate, we rely on you to raise these questions, as we know certainly you will, because I think this has suggested something to you that has not been presented to you before, and you now have a basis for asking these people just what are the facts.

Well, I can tell you in part that the northern California fishermen have suffered a very serious impact on the ocean perch fishery. There's no question about that. There has been very serious over-fishing of that resource by the Japanese.

Now, this is not true of all the other fisheries in northern California, however. I can tell you further that if—and this won't come up tomorrow—that if you were to talk to people from the halibut industry, they would tell you how the Japanese have been incidentally catching fantastic quantities of halibut, probably as much halibut as we legally can catch under the International Halibut Commission quota we now have. But the director of investigations for the Halibut Commission, Mr. Bernard Skud, at a meeting last September, proposed a device, a technique, whereby the halibut fishery could be resuscitated. Our own halibut fishermen refused to buy it.

And I tell you this honestly and truthfully, and if you want to inquire into that, Mr. Walsh, your counsel, is well acquainted with the halibut people and he can check on this and inquire of Mr. Skud whether, indeed, he proposed a technique that would preserve the halibut fishery, and whether that technique was adopted by the industry, or by the Halibut Commission. The answer is no, it was not. And I know this.

I might mention, additionally, that as Mr. Felando said—and he's been at all these seabed preparatory commissions, and I also have been there, I'm also a member of the State department advisory committee on the Law of the Sea, I was involved in the 1958 and the 1960 Geneva Conferences, so that we have a fair degree of expertise on this subject in our industry—and we try not to be emotional, but factual.

Thank you, sir.

Senator TUNNEY. Well, you have been factual, and I appreciate your statement very much. It's an excellent statement, and certainly it's very important to me.

[The attachment referred to follows:]

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Approved For Release 2001/09/07 : CIA-RDP75B00380R000500410005-1

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Exhibit 1A

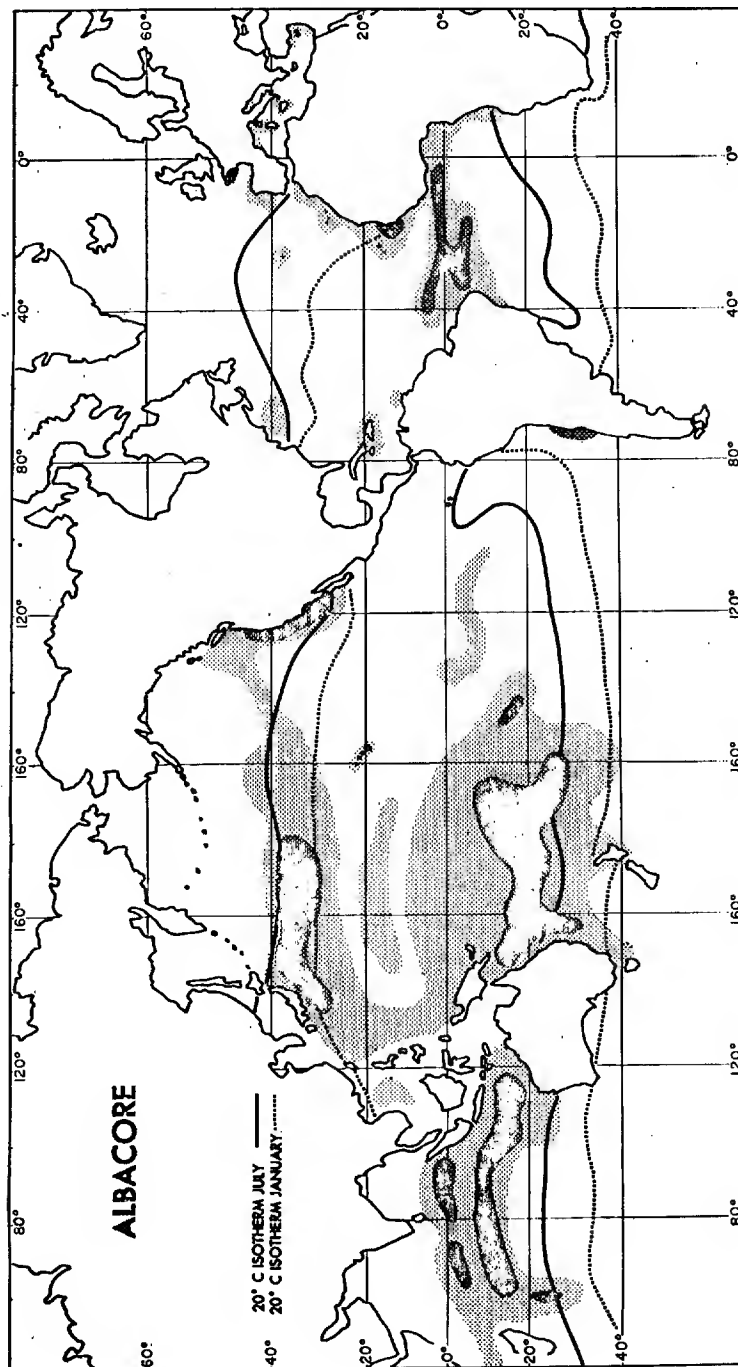


EXHIBIT 1B

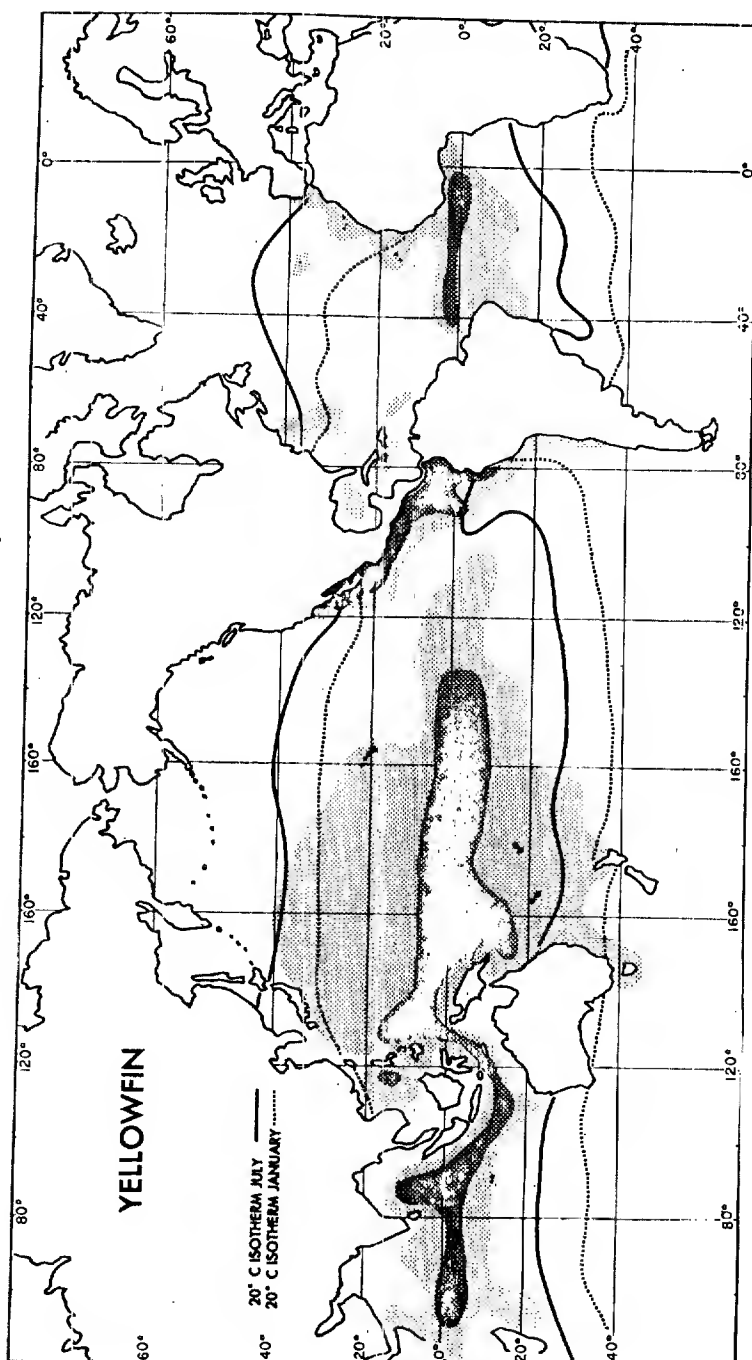


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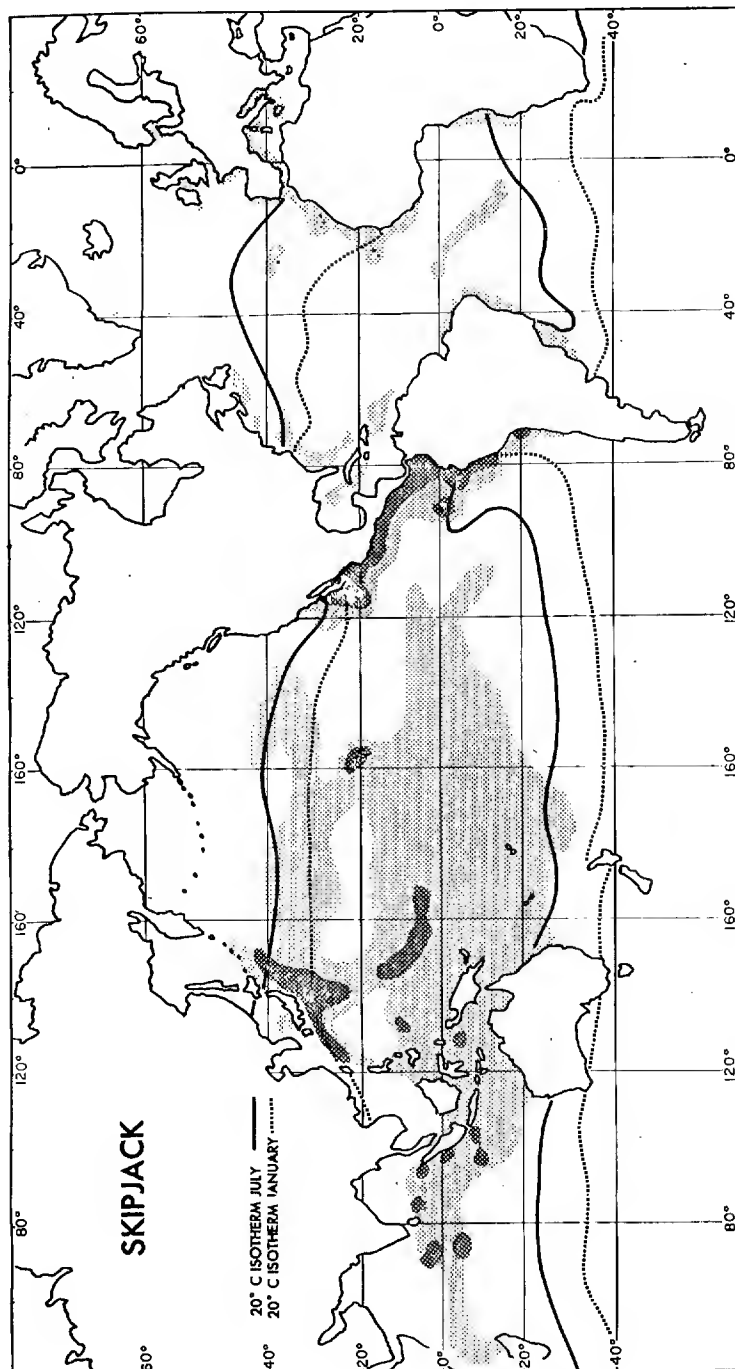
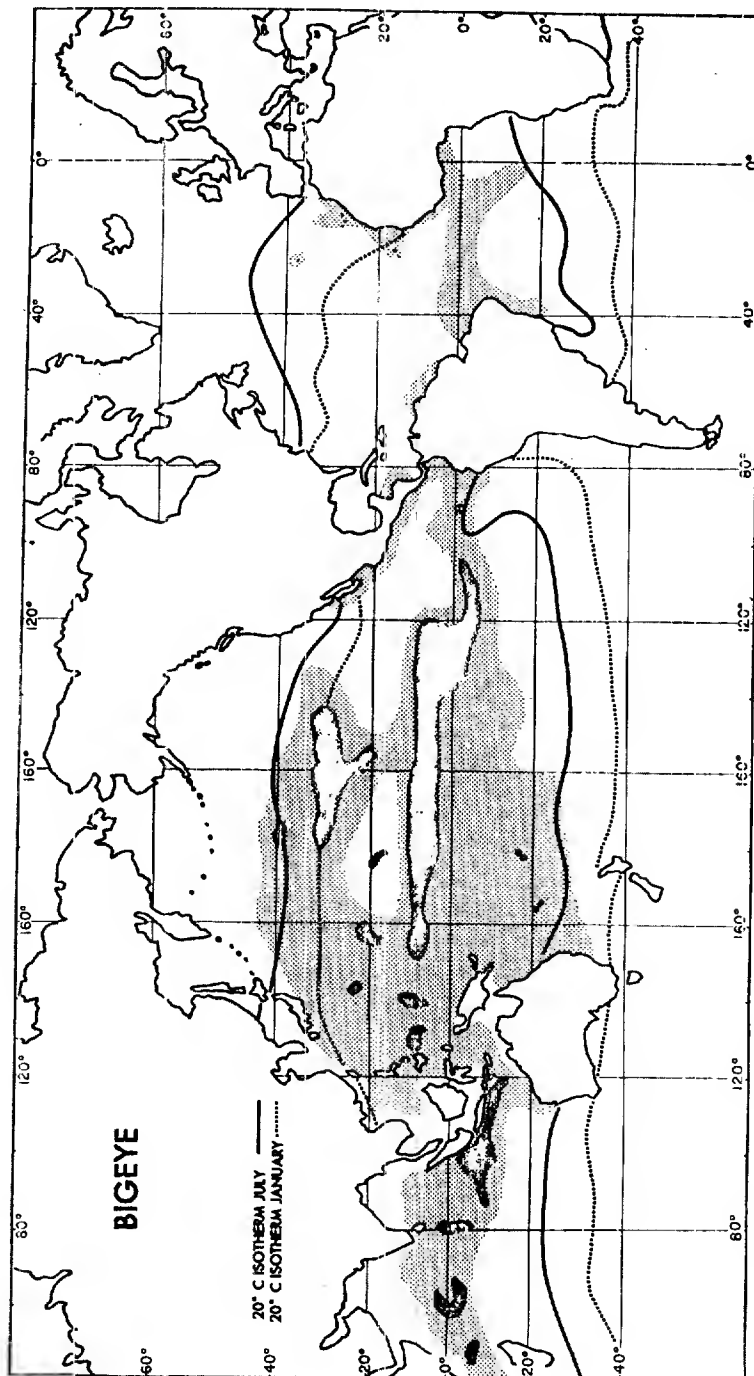




EXHIBIT 1D



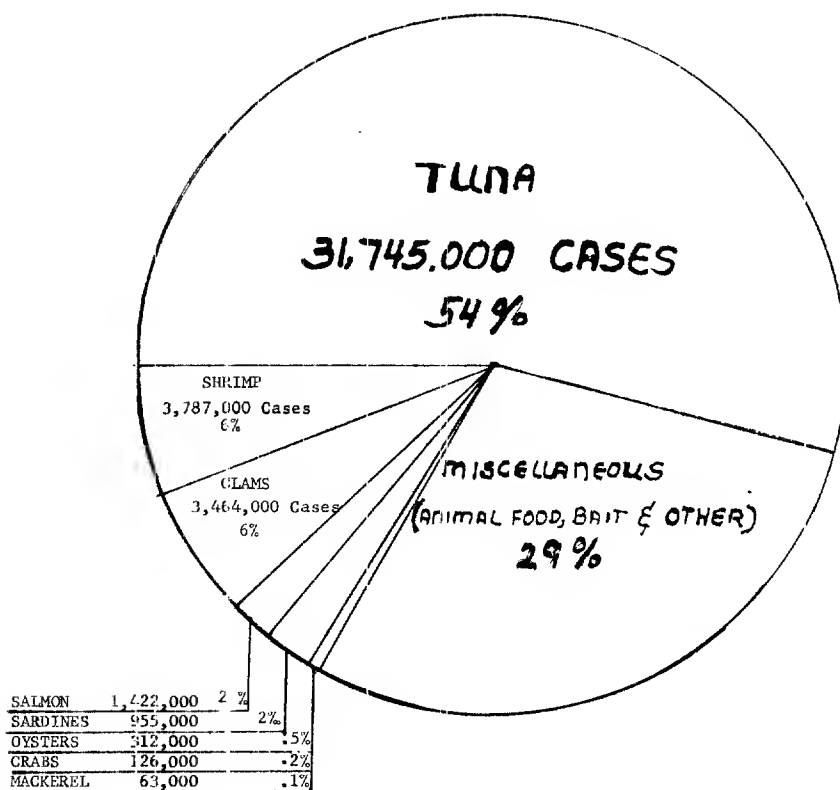


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## APPENDIX A

## U.S. SEAFOOD PACK

TOTAL CASES - 1973



## APPENDIX B

YELLOWFIN AND SKIPJACK TUNA ESTIMATED TO HAVE BEEN TAKEN WITHIN 200-MILE ZONES AND BEYOND 200 MILES

(In tons)

Country	1967	1968	1969	1970	1971	1972	1973
United States.....	11	13	5	46	25	0	0
Mexico.....	80,750	50,521	48,876	87,841	39,387	37,258	31,113
France.....	107	95	8,668	3,015	2,945	2,598	6,629
El Salvador.....	1,691	17,563	506	276	2,466	472	1,539
Guatemala.....	5,017	14,487	6,484	559	4,214	3,863	2,835
Nicaragua.....	183	3,419	312	244	2,797	29	251
Costa Rica.....	4,213	25,052	10,475	11,630	40,266	18,332	26,924
Panama.....	754	1,097	708	434	3,712	6,131	33,860
Colombia.....	2,693	1,940	7,150	1,706	3,636	6,111	31,280
Ecuador.....	68,494	37,695	36,842	27,503	61,838	27,343	23,567
Peru.....	42,597	15,666	18,018	13,491	25,627	8,430	14,057
Chile.....	0	0	0	0	0	0	0
Total.....	206,510	167,553	138,044	146,745	186,913	110,567	172,055
Inside 200 miles (percent).....	93	87	72	74	83	59	77
Outside 20 miles.....	15,628	24,744	52,660	51,373	39,484	77,577	51,269
Percent.....	7	13	28	26	17	41	23

## COMMERCIAL LANDINGS OF FISH AND SHELLFISH BY U.S. FISHING CRAFT—BY DISTANCE OFF U.S. SHORES

[Dollar amounts and pounds in thousands]

	0 to 3 miles				3 to 12 miles				Greater than 12 miles				High seas off foreign shores				Total	
	Pounds	Per- cent	Dollars	Per- cent	Pounds	Per- cent	Dollars	Per- cent	Pounds	Per- cent	Dollars	Per- cent	Pounds	Per- cent	Dollars	Per- cent	Pounds	Dollars
1971:																		
Tuna.....	663	19	152	2	5,411	2	1,297	2	50,414	14	14,204	19	291,552	84	59,863	79	348,040	75,516
Total fish.....	2,377,972	59	132,839	44	842,297	21	40,864	14	497,942	12	62,955	21	335,781	8	64,119	21	4,053,992	300,777
Shellfish.....	520,077	57	165,229	48	210,079	23	59,559	17	165,714	18	102,089	30	19,538	2	15,546	5	915,408	342,423
Grand total.....	2,898,049	59	298,068	46	1,052,376	21	100,423	16	663,656	13	165,044	26	355,319	7	79,665	12	4,969,400	643,200
Less tuna.....	663		152		5,411		1,297		50,414		14,204		291,552		59,863		348,040	75,516
Total.....	2,897,386	63	297,916	53	1,046,965	23	99,126	17	613,242	13	150,840	27	63,767	1	19,802	3	4,621,360	567,684
1972:																		
Tuna.....	1,020	2	226	8	5,408	1	1,283	1	61,204	12	19,786	16	456,743	87	99,334	83	524,375	120,629
Total fish.....	2,267,602	57	123,384	35	772,112	20	44,664	13	436,600	11	77,611	22	485,541	12	102,564	30	3,961,855	348,213
Shellfish.....	471,935	51	165,066	40	196,502	21	66,424	15	200,459	22	132,638	32	61,349	6	53,159	13	932,245	417,287
Grand total.....	2,739,537	56	288,450	38	970,614	20	111,078	15	637,059	13	210,249	27	546,890	11	155,723	20	4,894,100	765,500
Less tuna.....	1,020		226		5,408		1,283		61,204		19,786		456,743		99,334		524,375	120,629
Total.....	2,738,517	63	288,224	45	965,206	22	109,795	17	575,855	13	190,463	29	90,147	2	56,389	9	4,369,725	644,871
1973:																		
Tuna.....	1,150	9	474	4	4,440	3	1,502	1	39,290	7	15,512	12	470,703	91	114,085	87	515,583	131,573
Total fish.....	2,383,077	60	235,234	48	687,207	17	57,231	12	399,434	10	80,465	16	528,522	13	120,785	24	3,998,240	493,716
Shellfish.....	406,524	50	205,591	43	240,035	26	103,255	22	178,641	19	121,920	26	42,860	5	46,312	9	928,060	477,084
Grand total.....	2,849,601	58	440,825	45	927,242	19	160,486	17	578,075	12	202,391	21	571,382	11	167,098	17	4,926,300	970,800
Less tuna.....	1,150		474		4,440		1,502		39,290		15,512		470,703		114,085		515,583	131,573
Total.....	2,848,451	65	440,351	52	922,802	21	158,984	18	538,785	12	186,879	22	100,679	2	53,013	6	4,410,717	839,227

N.B. 1—Includes landings by U.S.-flag tuna vessels at Puerto Rico and American Samoa and by U.S.-flag shrimp and spiny lobster vessels at ports outside United States.

N.B. 2—Includes landings by U.S.-flag tuna vessels at Puerto Rico and by U.S.-flag shrimp vessels at ports outside United States.

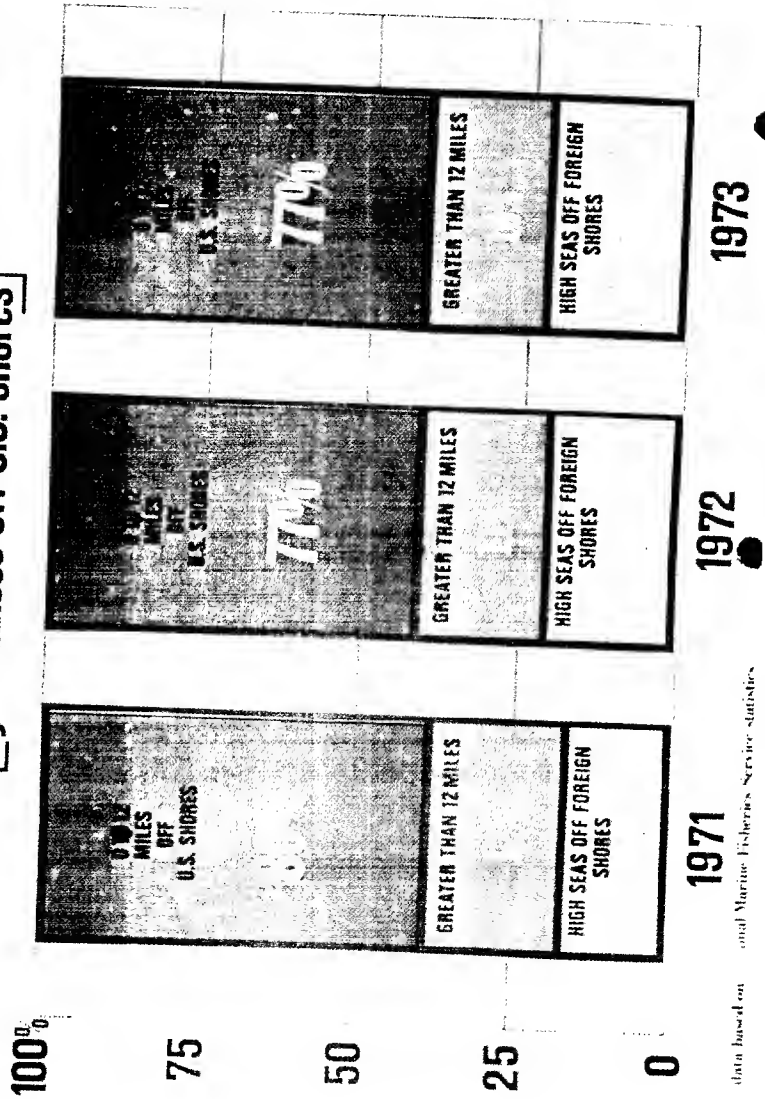
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# APPENDIX D **TOTAL COMMERCIAL LANDINGS OF FISH & SHELL FISH BY U.S. FISHING FLEET**

by distances off U.S. shores



[President Truman's Proclamation, signed September 28, 1945, known as the "Fisheries Proclamation", read in full]

POLICY OF THE UNITED STATES WITH RESPECT TO COASTAL FISHERIES IN CERTAIN AREAS OF THE HIGH SEAS BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas for some years the Government of the United States of America has viewed with concern the inadequacy of present arrangements for the protection and perpetuation of the fishery resources contiguous to its coasts, and in view of the potentially disturbing effect of this situation, has carefully studied the possibility of improving the jurisdictional basis for conservation measures and international cooperation in this field; and

Whereas such fishery resources have a special importance to coastal communities as a source of livelihood and to the nation as a food and industrial resource; and

Whereas the progressive development of new methods and techniques contributes to intensified fishing over wide sea areas and in certain cases seriously threatens fisheries with depletion; and

Whereas there is an urgent need to protect coastal fishery resources from destructive exploitation, having due regard to conditions peculiar to each region and situation and to the special rights and equities of the coastal State and of any other State which may have established a legitimate interest therein;

Now, Therefore, I, Harry S. Truman, President of the United States of America, do hereby proclaim the following policy of the United States of America with respect to coastal fisheries in certain areas of the high seas:

In view of the pressing need for conservation and protection of fishery resources, the Government of the United States regards it as proper to establish conservation zones in those areas of the high seas contiguous to the coasts of the United States wherein fishing activities have been or in the future may be developed and maintained on a substantial scale. Where such activities have been or shall hereafter be developed and maintained by its nationals alone, the United States regards it as proper to establish explicitly bounded conservation zones in which fishing activities shall be subject to the regulation and control of the United States. Where such activities have been or shall hereafter be legitimately developed and maintained jointly by nationals of the United States and nationals of other States, explicitly bounded conservation zones may be established *under agreements between the United States and such other States*; and all fishing activities in such zones shall be subject to regulation and control *as provided in such agreements*. The right of any State to establish conservation zones off its shores in accordance with the above principles is conceded, *provided that corresponding recognition is given to any fishing interests of nationals of the United States which may exist in such areas*. The character as high seas of the areas in which such conservation zones are established and the right to their free and unimpeded navigation are in no way thus affected.

"In Witness Whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this twenty-eight day of September, in the year of our Lord nineteen hundred and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

HARRY S. TRUMAN.

[The Proclamation signed by President Truman on September 28, 1945, on the "Policy of the United States with Respect to the Natural Resources of the Subsoil and Sea Bed of the Continental Shelf" read]

"BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas the Government of the United States of America, aware of the long range world-wide need for new sources of *petroleum and other minerals*, holds the view that efforts to discover and make available new supplies of these resources should be encouraged; and

Whereas its competent experts are of the opinion that such resources underlie many parts of the continental shelf off the coasts of the United States of America, and that with modern technological progress their utilization is already practicable or will become so at an early date; and

Whereas recognized jurisdiction over these resources is required in the interest of their conservation and prudent utilization when and as development is undertaken; and

Whereas it is the view of the Government of the United States that the exercise of jurisdiction over the *natural resources of the subsoil and sea bed* of the continental shelf by the contiguous nation is reasonable and just, since the effectiveness of measures to utilize or conserve these resources would be contingent upon cooperation and protection from the shore, since the continental shelf may be regarded as an extension of the land-mass of the coastal nation and thus naturally appurtenant to it, since these resources frequently form a seaward extension of a pool or deposit lying within the territory, and since self-protection compels the coastal nation to keep close watch over activities off its shores which are of the nature necessary for utilization of these resources;

Now, Therefore, I, Harry S. Truman, President of the United States of America, do hereby proclaim the following policy of the United States of America with respect to the *natural resources of the subsoil and sea bed of the continental shelf*.

Having concern for the urgency of conserving and prudently utilizing its natural resources, the Government of the United States regards the *natural resources of the subsoil and sea bed of the continental shelf* beneath the high seas but contiguous to the coasts of the United States as appertaining to the United States, subject to its jurisdiction and control. In cases where the continental shelf extends to the shores of another State, or is shared with an adjacent State, the boundary shall be determined by the United States and the State concerned in accordance with equitable principles. *The character as high seas of the waters above the continental shelf and the right to their free and unimpeded navigation are in no way thus affected.*

In Witness Whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this twenty-eighth day of September, in the year of our Lord nineteen hundred and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

HARRY S. TRUMAN.

Senator TUNNEY. Mr. John Royal, ILWU, Fisherman's Union.

**STATEMENT OF JOHN J. ROYAL, EXECUTIVE SECRETARY-TREASURER, FISHERMEN AND ALLIED WORKERS UNION, ILWU**

Mr. ROYAL. Thank you, Mr. Chairman. I might preface my remarks by stating that I may be somewhat redundant or repetitious, but I'll try to avoid it as much as possible because of the essence of time and knowing your tight schedule.

I apologize for not having a written statement to present. I wrote it up this morning, and I'll see if we can Xerox it and have copies available tomorrow for your committee.

Let me start off by saying, Mr. Chairman, that I thank you for the opportunity to appear before you and this committee today to express some of my views and concerns about Senate bill 1988.

My name is John J. Royal. I am the executive secretary-treasurer of the Fishermen's & Allied Workers' Union of San Pedro and San Diego, Calif. We are affiliated with the International Longshoremen & Warehousemen's Union of the West Coast of America, Alaska, and Hawaii.



The membership of my organization is comprised of coastal fishermen who, in order to provide a livelihood for their families and a continuing source of high-protein food for the citizens of the United States, fish from Catalina Island to the tip of South America, the vast expanse of the Pacific Ocean, and on to the shores of Africa. Their return catches of tuna and other commercial species provide employment for thousands upon thousands of shoreside cannery workers and other allied trade workers, who, without the U.S. tuna industry, would most likely be placed on the rolls of the unemployed and/or welfare.

On behalf of these people I am strongly and most vigorously opposing the introduction of legislation such as Senate bill 1988, let alone its passage.

Although it may be well intended, the objectives of S. 1988, though seemingly so, does not provide in any way the desired needs and programs to help the U.S. commercial fishermen and industry.

If passed, instead, it would result in grievous harm to the U.S. shrimp and salmon industry, and would destroy the U.S. high seas tuna fisheries, and at the same time not afford the protection being sought by the U.S. coastal fisherman, by the taking of unilateral action by the extension of U.S. jurisdiction out to 200 miles.

I have been a part of the U.S. tuna industry for over 25 years in various capacities, starting out after World War II as a working fisherman, and for the past 16 years as the head of my union. Not that this is all-important, but only to demonstrate to you, Mr. Chairman, that I have been around sufficiently long enough to witness the great many changes that have occurred within the U.S. fisheries industries, and to qualify me to some extent to make some observations, and more importantly, some objections.

The U.S. tuna fisherman, since the end of World War II, has been the vanguard of the juridical position of the United States of America. We have always, and still do, support the concept of 12 miles. We have never deviated nor faltered on that position, even though many others have—and have failed. In some cases, even our own Government and the Department of State.

It was the U.S. tuna fisherman who discovered and developed the tuna fishing in the great expanses of the ocean in the area now covered by the Inter-American Tropical Tuna Commission, and has led the way for the nationals of other countries to become involved in tuna fishing.

Since the end of World War II the U.S. tuna fisherman, in fighting to maintain his God-given right to fish on the high seas and outside the 12-mile zone of various countries, has taken one hell of a beating.

Our fishermen have over the years been shot at, chased, wounded, boarded, seized, blackmailed, fined tremendous sums of money, and in many cases denied the right to ply the oceans of the world seeking their livelihood.

The U.S. Government and the Department of State have repeatedly told us not to purchase a fishing license from any nation in the world for fishing beyond 12 miles, nor to pay any other form of tribute. Because in doing so, we would be going against the laws

of our land, and we would weaken the U.S. juridical position on the high seas legislation.

For years now we have adhered to that position, and in doing so suffered ever so greatly for it. The protection promised for the tuna fisherman by our Government for supporting this position has never materialized. And as a result of our own Government's weakness, we, the tuna fishermen, have become the international high seas political punching bag.

As you well know, Mr. Chairman, our Government has given and/or loaned to the Central and South American countries military aircraft, surface vessels and other military equipment, and trained those countries' officers and men at our own Naval Training Center right here in San Diego, only to have them to return home and start using the U.S. tuna fishermen and vessels as a shooting gallery.

Back in 1963—just briefly, if I might digress—President Kennedy sent a three-man mission down to Salinas, Ecuador where at the time they had 21 American tuna vessels under seizure. Mr. Felando and myself had the pleasure of joining that mission down there, which was comprised of the then Ambassador William Burnbaum, and the U.S. Provost Marshal in the Pentagon, and others, and when we went aboard down there they had as high as 24 armed guards aboard with rifles with fixed bayonets, machine guns. The crewmen were treated like prisoners of war. They ate all the chow, smoked the cigarettes, stole their wristwatches, the navigational gear, sunk some of their boats and outboard motors, sabotaged the nets, and treated our people like animals.

So this morning when I hear people around here say something about getting a little emotional, they should have been around some of these things, and they'd really see what emotion was. Just thinking about it gets me hotter than a pistol. Where was our Government? Where was our Navy?

I appreciate the remarks you made this morning, seeing as how you, too, fought against that.

Throughout all of these years of suffering, the industry worked very hard and long, and spent thousands upon thousands of dollars going back to Washington, D.C. to get legislation passed, thanks to the wisdom and support of legislators such as yourself, which would give the U.S. Government the right to apply economic sanctions against those countries who harass, shoot at, and seize U.S. citizens on the high seas, such as withholding foreign aid and denial of assistance under the Military Foreign Assistance Sales Act, just to cite a few.

And after all of this, to have our Government and the President of the United States not enforce these laws, and waive the implementation of those economic sanctions—but in spite of all of this, somehow, somehow, the U.S. tuna fisherman has managed to survive, sometimes not so good, and sometimes badly battered and bruised.

The only one shining light of hope that we have had over the years was the pending Law of the Sea Conference. Repeatedly we were told that we would have our day in court, and that the wrongs would be righted, and that justice would prevail, and that hopefully through the Law of the Sea Conference agreements would be reached

that would protect our rights, our lives, and make fishing on the high seas safe for our sons and grandsons to come.

Now, on the very eve of this very long-awaited conference, some of our noble legislators, though well intended, come forth with the introduction of legislation such as Senate bill 1988. All that this type of legislation can do and will do is to weaken badly the negotiating strength of the U.S. Law of the Sea negotiating committee and task force.

If by some stretch of the imagination—and God forbid that it should ever happen—legislation such as Senate bill 1988 should otherwise pass Congress, it would literally pull the very guts out of the U.S. negotiators right through their backbone.

Not only do we object to and oppose this legislation, but years of frustration and suffering by the fishermen dictates and commands that we defeat its passage at all costs if we are to face our brothers and to live with ourselves. We know, and we fully understand, the plight of the coastal fishermen. We also know full well that 200-mile unilateral action by the United States is not the solution, nor will solve their problems.

Thus, though I sympathize with them and their cause, I cannot cry too much, for they have not been boarded by the enemy and hostile gunmen during the night while sleeping, while drifting on the high seas, nor have they been shot at, harassed, seized and/or fined.

The one solution and the only solution to their problems, as well as our own, is an agreement reached at the Law of the Sea Conference, based upon the United States' firm position, the species approach, with proper conservation regimes, with international participation and equal international enforcement for all. It is a must.

The over-exploitation of some coastal species by supposedly foreign fishing fleets and the United States can be controlled by the utilization of selective fishing gear and equipment. It has already been demonstrated here in this country and other countries that with the right type of research and development programs, most if not all of these problems of incidental killing of fishery stocks can be stopped.

Over the past 15 years or better I have served and still do as an industry advisor to the U.S. Department of Commerce, Department of State, Department of the Interior, the Inter-American Tropical Tuna Commission, NOAA, and for the past 2 years and since its inception, by Presidential appointment, a member of the National Advisory Committee on Oceans and Atmospheres. We meet monthly, and we are required by law to submit a comprehensive annual report to the President and to you, the Congress, setting forth an overall assessment of the status of the Nation's marine and atmospheric activities.

In its first annual report to the President and to the Congress—and it's important, I think, to note, that NACOA, after reviewing the results of the 1958 and the 1960 Law of the Sea Conference held in Geneva, as well as the working papers and findings of the United States and world leading fishery experts over the past 25 years—that in their wisdom they saw fit to recommend full support to the

U.S. present species approach as the only way of finding the needed solutions to all of our fishery problems, be they local, national, or international.

Quoting briefly a few sections of the report—for the record, Mr. Chairman, I have both the first and second annual reports of NACOA. I think your office has them, but if they don't I would like to leave them with the committee for the record. I would also ask that that portion, if it's not too lengthy, in those two reports that refer to the Law of the Sea be lifted out and made part of the record.

Senator TUNNEY. They will be, if you can identify them.

Mr. ROYAL. I sure will.

The commercial United States fishing industry, as a whole, has agreed to support the position prepared by the U.S. working group for the Law of the Sea Conference. The coalition of interest has been largely increased by the realization that the current world fishing capabilities can grossly reduce the catch of currently marketable fish and alter the relative species balance in a major way if uncontrolled and unregulated. The position proposed \* \* \*

again, the species approach—

\* \* \* is to assign each coastal fishery to the adjacent state for management and licensing; to assign the responsibility for anadromous fish to the country in whose waters the fish spawn; and to rely on the multilateral arrangements for the pelagic fisheries. The basic approach is to place priority on the conservation of the resource. This approach, in the case of coastal fisheries, has the important corollary that such territorial concept is removed from the important fisheries domain, and should help to relieve the pressure which appears to be driving territorial limits ever outward.

To cite just a few more, on the issue of free passage NACOA has recommended to the Congress and the President of the United States:

That U.S. policies for free passage in waters outside the 12 mile territorial limit and in the classical straits must remain unmodified. It is required in the interest of world trade and communications, and is necessary to prevent cumbersome restrictions or procedures being placed in the way of open research. It is also necessary with respect to the national defense.

In this regard, the Committee had in mind not only the classical requirements for defense systems, but also the historical fact that restrictions imposed on classical straits passages have almost always converted them to a full military confrontation and a source of conflict.

On the issue of open scientific research:

It is and should remain U.S. policy that this freedom of research on the open seas shall be continued.

In 1970 an interagency Law of the Sea task force was established under the chairmanship of the legal advisor to the Department of State. From its inception this task force has been comprised of representatives of all agencies within the executive branch concerned with the proposed Law of the Sea Conference. In 1972 this task force was assisted by the appointment of an advisory committee on the Law of the Sea composed of about 60 representatives of business, professional, academic, the scientific community, labor, and fisheries.

I am pleased to say that I have had the pleasure of serving as one of those advisors.

In May of 1970 the President's statement on the U.S. ocean policy set out certain objectives which the U.S. delegation to the United Nations Seabed Committee has been seeking to achieve for 2 years, primarily through a number of species proposals submitted—specific—excuse me—specific proposals submitted to the committee. They include: A draft convention on the resources of the seabed which provides a 200-meter depth limit of the national jurisdiction over the seabed; An intermediate zone of mixed coastal state and international jurisdiction embracing the continental margin; International machinery to administer exploitation of the seabed resources in the area beyond the national jurisdiction; and a sharing of the benefits with the developing countries.

Second, draft treaty articles which would fix the breadth of the territorial sea at 12 miles. I repeat—at 12 miles. And to guarantee the right of free transit through and over the intermediate straits.

Three, draft treaty articles providing for a system of preferential rights of the coastal states in the high seas fisheries adjacent to their coast.

I could go on to much greater and longer lengths, but I won't, and possibly cite verse and chapter by the U.S. leaders who have the U.S., would only destroy it from within and bring about confrontation, conflict, and possible war from without.

I may have more to submit for the record in written form at a later date, Mr. Chairman, or possibly at a future hearing in Washington, D.C. if I'm fortunate enough to be there.

In closing, let me say once again—and I emphasize very strongly—that we are wholeheartedly against the passage of Senate bill 1988, and any and all similar type of legislation. Let's defeat it and give our U.S. Law of the Sea task force negotiating committee at least an even chance when they go to Caracas, Venezuela this coming June.

Thank you for your time, Mr. Chairman, and to the committee. I appreciate very much having this opportunity to be here briefly. It's been a long wait, some 14 years since the last Law of the Sea Conference, and I would further like to state for the record that I support wholeheartedly the testimony offered by the previous speakers before me. I think that most of them were excellent presentations which should be most helpful to the committee.

And one final statement: I just was apprised at noontime, now for the first time in many, many years we find that an American citizen was imprisoned in Panama, the captain of one of our tuna-boats, the *Rafaello*. This, again, causes great alarm and great concern to myself, as other people, who have the unfortunate task of trying to represent these people while they are on the high seas. And it's of great concern, and I don't know what in heck we're going to do about it. But more importantly, I just wonder what our Government is going to do.

And so for the time being that concludes my remarks, Mr. Chairman, unless you have some questions.

Senator TUNNEY. Thank you, Mr. Royal, I think I can say, without any fear of being contradicted, that you've complimented others who have submitted excellent statements. Yours is excellent too, and we appreciate very much the work that you put into it.

I just learned that a Panamanian patrol vessel is chasing the U.S.-flag vessel *Pan Pacific* at this moment.

Mr. ROYAL. I hope you also know that vessel was disabled and she was going into Panama for repairs. She hit a submerged reef off an island when she was underway down there, and I understand the double bottom was pretty well gutted out of her and she's in serious trouble.

It takes pretty brave people to climb aboard a cripple.

That's all I have to say. I'll see you in Washington.

Senator TUNNEY. Thank you. I'm going to have to ask the remaining witnesses, if you'd please limit your testimony—I'm going to be late anyway, but I must catch a plane to go to the Imperial Valley—so if you could limit your testimony—the testimony of each witness to 10 minutes, it would mean that when we conclude I'll just be about 45 minutes late. If we go over 10 minutes per witness, then I'm just later and later.

Our next witness is Mr. Al Klein.

I point out that these statements will go into the record, so you will not lose the benefit of having it in the record. But if you could just briefly summarize your statement, I'd appreciate it.

Mr. Klein?

**STATEMENT OF ALFRED M. KLEIN, OF ROSE, KLEIN & MARIAS**

Mr. KLEIN. Senator, that's what I intended doing. In the essence of time I did not intend to read the statement, but merely to highlight it, because it brings into focus a new aspect, a new facet, that has not been gone into by any previous speaker.

I am Alfred M. Klein, of the law firm of Rose, Klein & Marias. Our firm is counsel for, and I am here testifying on behalf of, three labor-management trusts established and existing under the provisions of section 302(c) of the Labor Management Relations Act, 1947, as amended, also known as the Taft-Hartley Act.

The three trusts I refer to, each of which is administered in San Diego, are: 1. The Westgate Cannery Workers Pension Plan Trust Fund; 2. The Fishermen's Pension Plan Trust Fund; and 3. The Tuna Fishermen's Trust Fund.

Both the Westgate Cannery Workers Pension Plan Trust Fund and the Fishermen's Pension Plan Trust Fund provide pension or retirement benefits on the retirement or death of a covered employee. The Westgate Cannery Trust covers employees of Westgate-California Foods, Inc., the only San Diego area cannery engaged in the canning of tuna.

The Fishermen's Pension Trust covers the crew members on tuna fishing vessels represented for collective bargaining agreement purposes by the San Diego Fishermen's Union of the Pacific in San Diego, and the Seine and Line Fishermen's Union in San Pedro, both affiliated with the Seafarer's International Union.

The third mentioned trust fund, namely the Tuna Fishermen's Trust Fund provides group welfare benefits, for the crew members of our tuna fishing vessels and their families, such as allowances for hospitalization, including intensive care and outpatient hospitalization, surgical benefits, medical services in the hospital, at the

doctors' offices, in the patient's home, various X-ray, diagnostic, and laboratory benefits, drugs and medicines, therapy, artificial limbs and eyes, rental of equipment, ambulance service, maternity benefits and the like, under both a basic plan and a major medical plan, together with life insurance coverage.

It is the unqualified position of these three trusts the passage of Bill S. 1988, would have an adverse and destructive effect on these benefits for employees in the southern California tuna canning and fishing industry.

Other witnesses before this committee will make and have made impressive presentations, amply supported by statistical data, to effectively demonstrate the passage of S. 1988 will be an implied invitation to the coastal countries of Central and South America to enact similar legislation, and will cut off and potentially eliminate a major fishing source of our southern California tuna fleet.

I do not intend to repeat those arguments. These other witnesses will point out, and have pointed out, that as a consequence of this, thousands of employees of the tuna fishing and tuna canning industry will be partially or completely out of work because of a substantial decrease in the availability of tuna for our fleet to catch, and the resultant diminished supply of such fish for our canneries to pack.

If there is less fish to be caught and pack there will be a concurrent loss of employment and pension and welfare benefits for those working in our fishing industry.

Qualification and eligibility for benefits under these trusts are based upon the length of annual employment for the cannery workers, or the amount of work for the fishermen, whichever the case may be.

I have set forth in my prepared statement statistics of maximum amounts of benefits, the numbers of individuals covered, and the conditions of eligibility of employees in our tuna canning and fishing industries, for these welfare and pension benefits provided by the three trusts covered by my prepared statement.

With the employment of thousands of cannery workers and fishermen, and the elimination of many of their jobs, then these employees covered by the two pension plans I have referred to, on their retirement, will have substantially reduced monthly pensions with which to maintain the necessary standard of living during this economic period of an ever-increasing, sometimes accelerating, cost of living.

Such a reduced monthly pension check could well mean the difference between the individual's being self-sufficient and his becoming a public ward or going on welfare in order to obtain the normal necessities of life.

Similarly, a reduction in or an elimination of the fishermen and his family's eligibility for the various medical, hospital, and surgical benefits under the fishermen's group welfare trust might mean the deprivation of needed health and welfare care and services; again, it might also necessitate the individual's and his family's seeking these services at community supported institutions available for those with insufficient income and funds. Having an adequate income to obtain necessary medical, hospital, surgical, and similar care and

attention from the private sector is, in our opinion, preferable to becoming a public ward or securing those services through tax-financed agencies and institutions.

Such a substantial diminution and/or elimination of these pension and health and welfare benefits, with a resultant reduction of buying power, reaches into the economy of all segments of the community. It affects the retailer who sells food, the landlords who rent living premises, shop keepers who sell clothes and other commodities, doctors, physicians, surgeons, hospitals, pharmacies, and numerous others. Take away that total buying power and a chain of economic injury is set in motion, affecting not only those merchants, individuals, and institutions heretofore mentioned, but also banks and financial institutions, wholesalers, and other support businesses, to the detriment of the entire community's economy.

For these and the reasons set forth in my prepared statement, we unalterably oppose bill S. 1988.

Thank you.

Senator TUNNEY. Thank you very much, Mr. Klein. I appreciate very much your statement. I do think you present an interesting perspective here, in saying that the pension funds, and the hospital and health funds, will be adversely impacted, and that this will have a serious effect upon not only the fishermen themselves, but upon the entire community, by either those that are unemployed or partially employed.

Mr. KLEIN. Going into the entire economy of the community, that is correct, Senator. Of this I'm firmly convinced.

Senator TUNNEY. Thank you. You're very good to have spent the time in preparing the statement that you did, and thank you for keeping within the 10-minute time limitation.

[The statement follows:]

STATEMENT OF ALFRED M. KLEIN

I am Alfred M. Klein, a Senior Partner in the law firm of Rose, Klein & Marias. Our firm is counsel for, and I am here testifying on behalf of, three Labor-Management Trusts established and existing under the provisions of Section 302(c) of the Labor Management Relations Act, 1947, as amended, also known as the Taft Hartley Act. This section permits the establishment of trusts, with equal representation by employers and employees in the administration of funds, to provide, among others, welfare and pension benefits for employees, their families and dependents. The three trusts I refer to, each of which is administered in San Diego, California, are:

1. The Westgate Cannery Workers Pension Plan Trust Fund;
2. The Fishermen's Pension Plan Trust Fund; and
3. The Tuna Fishermen's Trust Fund.

Both the Westgate Cannery Workers Pension Trust Fund and the Fishermen's Pension Plan Trust Fund provide pension or retirement benefits on the retirement or death of a covered employee, the first mentioned trust for employees of Westgate California Foods, Inc., engaged primarily in the canning of tuna and tuna-like fish in San Diego, and the second for crew members on tuna fishing vessels represented for collective bargaining agreement purposes by the San Diego Fishermen's Union of the Pacific in San Diego and the Seine and Line Fishermen's Union in San Pedro. The Tuna Fishermen's Trust Fund provides group welfare benefits, such as medical, surgical, and hospital care, x-ray and laboratory needs, artificial limbs and eyes, ambulance service, drugs, medicines and the like, plus life insurance benefits, for the crew members of these tuna fishing vessels and their families.

It is the testimony of these three trusts the passage of Bill S. 1988, which would unilaterally extend the United States' fishery contiguous zone to 200



nautical miles, would have an adverse and destructive effect on these benefits for employees in the Southern California tuna fishing and canning industries, because of a substantial reduction in their operations in the event said Bill is passed.

IMPACT OF S. 1988 ON THE SOUTHERN CALIFORNIA DOMESTIC TUNA FISHING AND  
CANNING INDUSTRIES

Other witnesses before this Honorable Senate Commerce Committee will make impressive presentations, amply supported by statistical data, to effectively demonstrate the passage of S. 1988 will be an implied invitation to the coastal countries of Central and South America to enact similar enforcement of fishery conservation legislation, thereby cutting off and potentially eliminating the major fishing source of our Southern California tuna fleet. Our domestic industries major source of supply of tuna would then be subjected to the uncertainties of controlled fishing, at potentially astronomical price levels, by countries which historically have not had effective fish conservation programs. These other witnesses will point out that, as a consequence of this anticipated result, thousands of employees in our tuna fishing and tuna canning industries will be partially or completely out of work, because of a substantial decrease in the availability of tuna and tuna-like fish for our fleet to catch, and the resultant diminished supply of said fish for our canneries to pack. If there is less fish to be caught and packed, there will be the concurrent loss of employment and income for those working in our fishing and canning industries. If so, this will reach into Southern California and deprive many community segments of business, such as the mechanics who maintain the fishing equipment, the boat companies which repair the fishing vessels, the business men and store keepers who service or supply the fleet and its crew members, and numerous other support and repair personnel, plus many other industries such as fuel companies, the custom workers, the engine and parts manufacturers, banks, retail stores, et cetera—to detriment of the entire economy of the community.

REDUCTION OR ELIMINATION OF WELFARE AND PENSION BENEFITS IF EMPLOYMENT  
OF FISHERMEN AND CANNERY WORKERS IS REDUCED

Qualification and eligibility for benefits under the Trusts, for which I am testifying, are based upon the length of annual employment of the cannery workers or the amount of work for the fishermen, whichever the case may be. For the Westgate Cannery Workers Pension Plan Trust Fund, an employee receives credit for one year of service for each 1,200 or more covered hours of employment within a plan year, at the Westgate plant, which is the only tuna cannery in the San Diego area. If the employee works less than 1,200 hours in any plan year, he is credited with a proportionate percentage of a plan year. It is, therefore, obvious if an employee in that cannery works less than 1,200 covered hours within a plan year, his eligibility for retirement benefits under this Trust Plan is reduced. Therefore, the amount such a cannery worker receives as a pension on retirement or the amount of accumulated benefits available to his family in the event of his death prior to retirement bears a direct relationship to the length of time worked each plan year.

For the year 1973, approximately 850 individuals were covered under the Westgate Cannery Workers Pension Plan Trust Fund. During the year 1973, pension benefits totalling \$29,876.90 were paid by this Trust to 104 retired cannery workers who had accumulated credits toward retirement during the brief period of 7 years this trust has been in existence. With the passage of time and under normal working conditions, increased credits will be accumulated by the cannery workers, so that, in the future, cannery workers, when they retire, will be eligible for and receive substantially higher monthly pensions, and the number of retired employees receiving such higher benefits will increase.

This same relationship of pension benefits to amount of employment also applies to the tuna fishing vessels crew members under the Fishermen's Pension Plan Trust Fund. At the end of each fishing voyage the boat owner is required to pay into said Trust Fund on behalf of each eligible crew member certain contributions, a portion of which is deducted from the crew's share of the monies realized from the sale of the fish catch. The amount of monthly pension benefits payable on the fishermen's retirement or the amount received

by the family of a crew member in the event of death prior to retirement is based directly on the total contributions received by the Trust Fund to the account of that crew member. For the year 1973, there were 3,054 crew members covered under this Trust. During 1973, pension benefits were paid to 92 retired fishermen from the Fishermen's Pension Plan Trust Fund of \$32,355.56. This Trust Fund has also been in existence for only 7 years. Under normal working conditions, as the tuna fishing vessels continue in their catching of fish, additional credits will be accumulated by crew members, so that, on their retirement, the amount of individual monthly pension benefits will be substantially higher than the benefits now being received by the small number of fishermen who have retired.

The eligibility of a tuna vessel crew member for welfare benefits coverage under the Tuna Fishermen's Trust Fund is likewise dependent upon his regular employment with a boat owner having a collective bargaining agreement with one of the mentioned unions, each of which is affiliated with the Seafarers' International Union of North America, AFL-CIO. He ceases being an eligible employee if he is not regularly employed as a member of the ship's crew covered by such a labor contract. Under such circumstances he then may continue his health and welfare coverage for a limited period of time by individually paying the monthly amount required to maintain the level of benefits provided under the Trust Plan. These benefits include various allowances for hospitalization, including intensive care and out patient hospital charges; surgical benefits; medical services in the hospital, at the doctor's office, and at the patient's home; various x-ray, diagnostic and laboratory benefits; drugs and medicines; therapy; artificial limbs, eyes, and rental of equipment; ambulance service; maternity benefits and the like under both a basic and a major medical plan, together with life insurance coverage. During the year 1973, the Fund Plan covered approximately 5,000 fishermen, their spouses and dependents and expended approximately \$550,000.00 in premium payments to secure this total group health and welfare package. The payments for charges incurred for these various benefits went directly to the individuals, doctors, hospitals, laboratories, and other institutions involved, in many Southern California communities.

#### IMPACT OF REDUCTION OF WELFARE AND PENSION BENEFITS ON THE FISHERMEN, THE CANNERY WORKERS, AND THE ECONOMY OF SOUTHERN CALIFORNIA

If, as is being vividly and impressively demonstrated and argued by other witnesses, the passage of Bill S 1988 will result in a substantial diminution of the Southern California fishing and canning industries, substantially reducing the employment of thousands and eliminating many of their jobs, then those employees covered by the two pension plans I have referred to, on their retirements, will have substantially reduced monthly pensions with which to maintain the necessary standard of living during this economic period of an ever increasing and sometimes accelerating cost of living. Such a reduced monthly pension check could well mean the difference between the individual's being self sustaining and his becoming a public ward or going on welfare in order to obtain the normal necessities of life.

Similarly, a reduction in or an elimination of the fisherman and his family's eligibility for the various medical, hospital and surgical benefits under the fishermen's group welfare trust might mean the deprivation of needed health and welfare care and services; again, it might also necessitate the individual's and his family's seeking these services at community supported institutions available for those with insufficient income and funds. Having an adequate income to obtain necessary medical, hospital, surgical and similar care and attention from the private sector is, in our opinion, preferable to becoming a public ward or securing those services through tax financed agencies and institutions.

A substantial diminution and/or elimination of these pension and health and welfare benefits, provided by the three Trust Funds for whom I am testifying, to our Southern California cannery workers and fishermen, engaged in one of America's largest food industries, with tuna being the most important fish landed by California fishermen, reaches into the economy of all segments of the community, since it means a reduction in pension benefits, the resultant reduction in buying power, and a reduction in health and welfare coverage for medical, hospital, surgical and similar services. This loss of funds and coverage affects retailers who sell food, landlords who rent living premises, shop

keepers who sell clothes and other commodities, doctors, physicians, surgeons, hospitals and pharmacies, and numerous others. Take away that total buying power and a chain of economic injury is set in motion, affecting not only those merchants, individuals and institutions heretofore mentioned, but also banks and financial institutions, wholesalers, and support businesses, to the detriment of the entire community's economy.

#### CONCLUSION

I have attempted to point out that, because of the tremendous impact the passage of Bill S 1988 would have on the Southern California tuna fishing and tuna canning industries, as fully demonstrated by other speakers, thousands of tuna fishermen and tuna cannery workers would lose their usual employment in said industries, either partially or completely. This, in our opinion, would result in a substantial diminution in both pension benefits, which they would be entitled to receive with vibrant, fully functioning, active fishing and canning industries, and the reduction and/or elimination of health and welfare benefits for fishermen and their families.

Adequate protection is needed and vital to our domestic tuna fishing and tuna canning industries, the many incidents of which reach in and affect the economy and every business activity of Southern California and our state. In our opinion, the passage of Bill S 1988 would have a severe, detrimental effect in eliminating a part of this needed and vital protection.

Senator TUNNEY. Our next witness is Mr. Howard Sacks.

VOICE. Mr. Chairman, he had to leave for a court appointment. He asked me to give you his statement for the record.

Senator TUNNEY. Fine. Thank you. We do have a copy of his statement.

[The statement follows:]

#### STATEMENT OF HOWARD D. SACKS

Mr. Chairman and committee members: My name is Howard D. Sacks and I am the attorney of record for the Fishermen & Allied Workers' Union, I.L.W.U., Local 33 Pension Trust Fund. The Pension Trust Fund covers crewmembers of Southern California tuna vessels that fish throughout the Eastern Pacific area. There are presently more than six hundred (600) participants in the Pension Fund.

I wish to address the Committee in regard to the effect that SB 1988 would have on the Pension Fund and its participants. Prior to my appearance, I think it will be well established by other witnesses that passage of SB 1988 would be an invitation to coastal Latin American countries to enact similar legislation which would have the effect of cutting off the availability of this resource to the Southern California tuna fleet. I therefore will limit my comments to the effect that such action would have as it applies to Pension Plan participants and their families.

The Local 33 Pension Plan is funded by Employer contributions of \$3.00 per ton of frozen tuna delivered by any Employer vessel. The individual's pension in turn is a fixed percentage of contributions made on his behalf. It is therefore obviously clear that if tuna deliveries are decreased contributions will be directly decreased with the result that pension levels will remain static. At the present time the Pension Plan has been adopted with an eye to the future which assumes continued rates of contributions based upon tuna delivered from Employer vessels. If the source of tuna supply was drastically reduced the viability of the Pension Plan could be seriously compromised. Certainly, any reduction in contributions based upon tuna delivered would create the real possibility that although present pensioners retain a pension those individuals presently employed would never be able to accrue sufficient contributions in order to retire with a pension.

The present Pension Plan not only provides benefits for the retired fishermen but creates benefits for his family and other beneficiaries in event of death or disability. It has taken seven years of contributions and work in order to put into effect the Local 33 Pension Plan in order to provide some security to already-retired fishermen and future security for the presently-active working fishermen. I cannot stress too much the fact that if the availability to

catch tuna off of coastal Latin American countries is restricted that this could well deprive the present Plan participants and those expected to participate in the future of any meaningful retirement security.

Just as the Truman Fishery Proclamation (Presidential Proclamation 2668, September 28, 1945, 10 Federal Register 12304) was followed by a rash of unilateral acts promulgated by other states, including a number of coastal Latin American states, which went even further in asserting sovereignty than the Truman Proclamation, it seems clear that passage of SB 1988 would be followed by a similar reaction. It seems clear therefore that only through international agreement, such as agreements to be sought at the Law of the Sea Conference, can the question of extension of jurisdiction over fisheries be properly dealt with in a manner that will not have the immediate effect of depriving fishermen of security in their old age under pension plans.

Thank you, gentlemen, for your attention.

Senator TUNNEY. Our next witness is Mrs. George N. Zeluff, president, Women's Propeller Club.

**STATEMENT OF MRS. GEORGE N. ZELUFF, ON BEHALF OF THE  
WOMEN'S PROPELLER CLUB OF THE UNITED STATES, PORT OF  
SAN DIEGO**

Mrs. ZELUFF. We would like to thank you very much for coming here today and allowing us the opportunity of presenting our viewpoints on this very important piece of legislation.

I hardly know what to think about my position on the agenda. In maritime circles, it's women and children first.

However, I welcome the opportunity of having the last word.

Senator TUNNEY. My staff prepared the witness list.

Mrs. ZELUFF. I'm beginning to wonder about your staff, because I walked into your office in the Federal Building on Tuesday, after having talked with Mr. Burns a couple of times about this hearing but never having met him, I walked into the room and introduced myself, and Mr. Burns said, "Oh, I didn't know you were going to look like this."

Senator TUNNEY. I take responsibility for those statements.

Mrs. ZELUFF. I am appearing before this committee on behalf of the Women's Propeller Club of the United States, Port of San Diego, of which I am the president, and additionally, as an interested individual.

Founded in 1945, the Women's Propeller Club is a national organization with chapters in 12 ports in East, West and Gulf Coasts. Its main objective is to encourage, further and support the American Merchant Marine. It is an affiliate of the Propeller Club of the United States.

I am the wife of George Zeluff, one of the owners and Captain of *M. V. Eleinore*, a tuna clipper.

My testimony will be in two parts, reflecting the official position of the organization I represent and my own views.

Appended to this testimony is a resolution, passed on April 10, 1974, at a regular meeting of the Women's Propeller Club, Port of San Diego, expressing its opposition to S. 1988 and authorizing this communication of its views.

The American Merchant Marine is this nation's fourth arm of defense. It has an honorable and noble history. Oceangoing shipping is vital to the economic health of the United States. It must be able

to sail, unmolested, to any place in the world in order to carry out overseas commerce.

Admiral George Miller, Naval Advisor to the Maritime Administration, said recently in San Diego, in response to questions about this proposed legislation:

Such a law could have grave consequences. The Merchant Marine must have the widest possible territorial sea.

S. 1988 is designed solely for the purpose of establishing a fisheries zone exclusively for the use of U.S. fishermen. Without going into the fisheries question at this time, I would like to carry this concept to its logical and, we fear, inevitable extension.

If a nation can unilaterally create a zone far in excess of traditional territorial seas for the purposes of controlling fishing within that zone, what is to prevent it from claiming control of all other functions incidental to that area?

Such actions are not without the realm of possibility. There are most certainly nations which would seize gleefully upon any rationale to do just that. They might want more revenue, an opportunity for blackmail, have a need to bolster the leader's internal prestige, or quite simply, want the pleasure of humbling great maritime nations.

To digress for a moment from my prepared testimony, let me say that it doesn't matter to those nations whether or not you have a valid license and have paid for a valid license. A number of years ago, perhaps 10 or 12, my husband was fishing. They were in transit from one spot to another. They had a valid Ecuadorian license. They were seized, they were boarded, they were taken to another port where finally the decision was made to let them go. The Ecuadorian Government excused this by saying it was the over-zealousness of the commander of the patrol craft. I don't believe that for a moment, because at the same time there was much hue and cry in Ecuadorian newspapers naming my husband, calling him a pirate, and making a great thing of the fact that this vessel had been in their waters. It was quite obviously a concerted action of government and press.

I would like to make one additional point on this. These nations are not ruled by law, such as is the United States. They are ruled by men.

How long before they restrict the transit or use of a port-of-call of a U.S. flag cargo ship?

We simply cannot allow the possibility of that to happen. To do so would open a Pandora's box out of which would tumble trouble after trouble, the likes of which boggle the mind.

There are inherent in this legislation and its logical extensions serious problems insofar as the defense posture of the U.S. is concerned. These cannot but affect the Merchant Marine, a part of the defense team.

On March 11, 1971, the U.S. Navy cargo ship *Wyandot* was proceeding through the area of the Galapagos Islands, within the 200-mile limit claimed by Ecuador, enroute from New Zealand to the Panama Canal. Thirty-eight miles east of the island of San Cristobal, the Ecuadorian naval vessel *Cayambe* fired several warn-

ing shots in the vicinity of *Wyandot*. The U.S. naval ship stopped, exchanged blinker signals, and was allowed to proceed on its way.

Now, perhaps it was mistaken for a tuna clipper, as suggested by the U.S. Department of State, but who really knows? It is just as likely that the officer in command decided to chase the U.S. Navy out of their territorial waters.

Suppose that it was an American flag merchant vessel, carrying cargo for a neighboring country with which Ecuador was on unfriendly terms, or at war?

In this day of air travel, we need to expand the question of territorial claims to air space. What can prevent a nation from claiming 200 miles of air space above it, as well as 200 miles of ocean east or west, north or south?

This, too, is not without the realm of possibility. Several years ago when Governor Rockefeller was going to South America as an official representative of the United States, his plane was not allowed to fly over Ecuador until official permission was given by the government of that nation. It is not impossible to imagine a day when the right of innocent passage through the air will be curtailed. True, air travel is not the subject of these deliberations, but it is submitted as an example of a logical extension of the concept of S. 1988.

Does this sound far-fetched, like needless alarm? It truly is not. We have only to examine the history of the past few years to realize that any and all predictions could come true. We can point to the embargo from Arab oil producing nations as an example of the kind of leverage which can be exerted. We all know of the piratical shootings, seizures and harassment of U.S. tuna boats and their crews. We know that violence can be done.

Do we want our Nation's merchant ships and crews subjected to even the possibility of like actions? Enactment of S. 1988 would inevitably lead to the probability that the American merchant fleet would be seriously jeopardized by the restrictive actions of other nations.

To digress again, does the U.S. Government want to pay for the licenses or seizure fines for American flag merchant ships? Mention was made earlier of an amendment to the Fishermen's Protective Act. This act protects all U.S. flag vessels. I would like to know how you're going to protect these merchant vessels. Are you going to protect them as well as you have protected the U.S. tuna fleet?

To vote for S. 1988 would, in our opinion, be completely irresponsible and insane. We strongly urge that this bill be defeated.

For part two of my testimony I would like to ask some questions: What will be the effects of S. 1988 on the tuna industry?

The effects will be many, all of them harmful. In the first place, enactment of this bill would immediately legalize the position of nations now claiming 200 miles. It will cause others to adopt a similar limit.

These actions will make it impossible for tuna producers to operate profitably, if at all. Inherent in the right to grant is the right to deny. From past history we can predict that the right to deny licenses will be utilized by other countries. Since most tuna is caught within 200 miles, the effect is most obvious.

Tuna processors will speak for themselves, but it is impossible for this observer to see any benefits accruing.

What will be the effect on tunaboat owners and investors?

Their investments will become drastically reduced in value. There will be bankruptcies, forced sales, Federal marshals' auctions. How can you justify such consequences to people who have the fruit of their lives invested in vessels?

What will be the effect on the tuna fishermen and their families?

There will be a loss of their livelihoods. These men are highly skilled, however their skills are not always readily translatable to shoreside occupations, even if there were an oversupply of jobs to be filled. The unemployment rolls will be swollen with their numbers.

Their savings will be used up, and some of them will lose their homes and cars. There will be a disruption of their families due to economic hardship, a lowering of living standards, an inability to maintain themselves in this period of rising living costs and inflation.

Many of us here today have personally experienced financial hard times during a period in the fifties when imports of frozen tuna caused great economic loss to U.S. tuna producers. All of the consequences mentioned above were very, very real. The scars are deep.

Overcome that challenge we did, not with the help of our Government, but through our own efforts and courage.

What will be the effect on small businesses peripheral to the tuna industry?

Small businesses are the backbone of this country's free enterprise system. What weakens them weakens everyone.

Obviously, small businesses would suffer proportionate to the amount of business they do with the industry.

Two local examples:

All but one food supplier to the fleet is 100 percent dependent on the tunaboat business. That one does 50 percent of its business with the fleet.

A firm that repairs propellers reports that 30 percent of its business is accounted for by the fishing boats.

If S. 1988 is enacted, what will you tell them?

What will be the effect on local and California economies?

Again, quite obviously, significantly detrimental. San Pedro, the Nation's leading commercial fishing port, would be badly hurt. San Diego, although it does not receive as great a share of landings, is the home of most U.S. tuna fishermen. Their money is spent here. The loss of that money would be a substantive blow.

According to figures furnished by the American Tunaboat Association, the total 1973 tuna landing value in California was almost \$75 million. This was new wealth captured from the ocean. It has been said this multiplies in effect as it moves through the economy between 4 to 7 times. To take an average of 5.5 times \$75 million gives us a sum of over \$412 million. Can the State of California afford a loss of any significant part of that astronomical amount?

What will be the effect on availability of tuna to the American consumer?

Tuna has become a staple protein food for Americans. There is a worldwide shortage of protein food. We cannot afford to lose

any source of supply. If this bill is enacted there will be a scarcity of tuna that will make it more highly prized than gold.

What will be the effect on the price of tuna to the consumer?

Add the natural effects of scarcity to the increased cost of production, due to hypothetical and questionable license fees, and tuna in the can will be as highly priced as gold.

What will be the effect on the Congress of the United States?

Senator, every housewife, every mother who packs school lunches, every budget watcher and weight watcher in the country will be crying for your blood!

Senator TUNNEY. Now, you're getting to me.

Mrs. ZELUFF. In conclusion, there are certain philosophical observations I should like to make.

During all of its history, the United States of America has paid homage to the principle of freedom of the seas. It has exercised sovereignty over a 3-mile territorial sea and only recently has extended its jurisdiction over fisheries to a contiguous 9 miles. It has sturdily stood by its territorial seas policy as a model for other nations to follow.

While it may be true that only a fool never changes his mind, nations, as well as individuals, must live and abide by certain principles.

Are we willing to abandon the principle of freedom of the seas? Are we willing to signal to other nations that we have only given lip service to one of our basic principles until it was expedient for us to change?

The provisions of S. 1988 conflict with proposals offered by the U.S. delegation to the upcoming Law of the Sea Conference. Are we willing to insist that other nations do as we say, not as we do?

S. 1988 proposes to be an interim measure. There is no way possible for it to be a temporary affair. Once taken, the step will be as irrevocable as death.

We are proud to be Americans and proud of our country. The tuna industry has served the Nation valiantly, in peace by providing food, in war by providing men and ships.

Sometimes, however, we believe that this industry exists in spite of, not because of, our Government.

Sometimes our Government has dragged us, protesting, struggling, screaming and sputtering, held our noses and poured down bitter doses of medicine—governmental action, inaction, restriction, and regulation.

Don't—please don't—enact S. 1988 and administer the fatal dose of hemlock.

Senator TUNNEY. Thank you, Mrs. Zeluff. I can see that my staff saved the best for last.

[The attachment follow:]

THE WOMEN'S PROPELLER CLUB OF THE UNITED STATES,  
San Diego, Calif.

A RESOLUTION

Whereas, It is the first objective of the Women's Propeller Club of the United States to promote, further and support the American Merchant Marine; and



Whereas, It is necessary to the well-being of this nation that the American Merchant Marine has the right of free and innocent passage on the high seas; and

Whereas, The enactment of S. 1988 would be an open signal to other countries to likewise extend their territorial waters claims, for fisheries or ANY OTHER PURPOSE, be it for motives military, economic, political or of self aggrandizement; and

Whereas, such extensions by other nations would seriously jeopardize the American Merchant Marine; therefore,

Resolved, That the Women's Propeller Club of the United States, Port of San Diego, oppose Senate Bill 1988 and communicate its opposition to appropriate government officials.

Passed: April 10, 1974, San Diego, Calif.

FRANCES L. ZELUFF,  
*President.*

Senator TUNNEY. We have one final statement, and that is from Mr. Herbert Kameon.

**STATEMENT OF HERBERT R. KAMEON, EXECUTIVE VICE PRESIDENT, OCEAN FISH PROTECTIVE ASSOCIATION, CHAIRMAN, CONSERVATION COMMITTEE, BALBOA ANGLING CLUB, AND REPRESENTATIVE OF THE NATIONAL COALITION FOR MARINE CONSERVATION**

Mr. KAMEON. My name is Herbert Kameon. I'm the executive vice president of the Ocean Fish Protective Association, representing 9,000 coastal sports fishermen; chairman of the conservation committee, Balboa Angling Club, and a representative of the National Coalition for Marine Conservation.

In the early 1930's California's attempt to limit the catch of sardines for reduction was thwarted by shipboard reduction plants anchored outside the 3-mile limit. Since California had no jurisdiction over what was then international waters it could not regulate sardines landed into reduction ships versus those landed onto shore.

As a result, California's attempt to regulate was circumvented, so the State relaxed its rules and shortly thereafter the reduction ships disappeared. So did the sardines.

Miss Francis N. Clark, a marine biologist for the department of fish and game, was one of the principal authorities on sardines at the time and was intimately familiar with their fishery and the problems at hand. She was one of those people who was in the thick of trying to preserve that now economically extinct species.

When later she became a consultant to Ecuador and Peru, one of the first things she recommended was the urgent necessity for establishing an extensive fishing zone to prevent uncontrolled foreign or domestic exploitation of coastal resources. Here you have the origins of the 200-mile offshore fishery jurisdiction.

It is our conviction that a 200-mile offshore fishery jurisdiction is a must if our Pacific coastal fisheries, both recreational and commercial, are to survive. Mexico has already announced its intention of extending its contiguous fisheries zone and the other four Central and South American countries that have not already done so will undoubtedly follow suit in the near future. There is at this point no reason to believe that the Law of the Sea Conference will offer a satisfactory conclusion to America's fisheries problems.

Even in the unlikely event that some meaningful international agreement comes out of the Law of the Sea Conference, it would take a minimum of 5 to 8 years to achieve effective ratification and application. We do not, at this time, see that any agreement is forthcoming along the lines proposed by our Government.

None of the industrialized nations with distant water fisheries want international regulations. They will not agree to meaningful international regulations until they are forced to negotiate for something they want, and have no other alternative but to make tradeoffs to get it.

We must not continue to delude ourselves that effective international agreement is imminent. It is not. We are, if we do not act, simply prolonging the length of time for foreign nations to decimate the fish of our continental shelf. We need the time, moreover, to work out and put into effect rational management programs of the coastal fisheries for the long-term benefit of the coastal commercial fisheries, and the coastal sportfishery, that is, the satisfaction of both protein and recreational needs.

Inside the Law of the Sea Conference there is little international agreement evident. Outside, there is practically none.

A. The Soviet Union and Japan have thus far refused to comply with conservation decisions that came out of the International Whaling Commission last June. They are in the process of wiping out this resource. And for what? Whale meat represents less than 1 percent of the Japanese protein diet, and the Russians are sending much of their whale meat to fur farms to feed minks and sables. Dr. Robert White, the U.S. Commissioner, has termed the actions of those two nations a "serious setback to protection of the world's whale population."

B. The Atlantic bluefin tuna is in trouble. It may be already too late to save this valuable species. I submit in evidence, attached, the excellent presentation given by Frank J. Mather of the Woods Hole Oceanographic Institution at the IFGA Conference in October 1973. Yet, we do not see anything meaningful that has come out of ICCAT to reverse the extinction of this species. In fact, the National Marine Fisheries Service, with the support of NOAA Director Dr. Robert White, has promised they were going to do something "about the Bluefin Tuna conservation program."

NMFS Director Robert Schoning promised that bilateral negotiations with Canada would be held in the immediate future, relative to the ICCAT meeting of November 1973, and that negotiations were presently underway to set a date for that meeting. As of April first no date had been set, and the U.S. position had not been finalized. The United States, too, evidently, have some problems getting to the international agreement table and in this case at the expense of one of our own resources.

C. Last year, Washington and Oregon fishermen documented foreign vessels in the hundreds working the best fishing grounds at the best fishing times. These foreign ships are huge, with immense weaponry capabilities. There is no regulation on them as to mesh size of nets, species, et cetera.

D. In a 1973 award-winning scientific paper, Jay Quast, biologist with the National Marine Fisheries Service, has documented the near

wipeout of the Pacific Ocean perch, a species of Rockfish, by Japanese and Russian trawlers off Alaska, to a point where rehabilitation may be impossible.

E. Indications from Moscow are that the Russians will move down to the Southern California area within the next few years to harvest what they consider to be the surplus anchovy population, which is the difference between the 120,000 tons now allowed the local wetfish fleet by the Department of Fish and Game, and the 600,000 tons that the Russians say can be taken without damaging the resource.

F. In the Bering Sea the important U.S.-Canadian halibut fishery has been eliminated by what are called "incidental catches" by Japanese and Soviet fleets. Indeed, the "incidental" Japanese catch last year exceeded the entire deliberate catch by U.S. fishers. The tremendous pressure on all Bering Sea fish may be appreciated by the fact that the total catch has risen from 28-million pounds in 1954 to 5-billion pounds last year. This unparalleled assault raises the possibility of the entire fishery's collapse within a few years. Of all the fisheries in the world, that of the Bering Sea is by far the most prolific, and the effect of such a collapse would be an ecological disaster beyond comprehension.

G. At the recent meeting of the International North Pacific Fisheries Commission in Tokyo, the Japanese, who account for over 80 percent of the total catch, refused to reduce their fishing effort despite clear evidence that their failure to do so will result in annihilation of once-plentiful stocks, such as the Bristol Bay sockeye salmon.

We are not here merely concerned with the loss of a resource of immense economic value, but ultimately with the loss of an irreplaceable source of protein and recreation. Let me outline the economic value to the State of California and the nation:

#### CALIFORNIA

Most recent California figures that we have are for the year 1971. These are gross dockside prices paid the fishermen:

- (1) The high seas tuna fishery principally operating in the tropical eastern Pacific Ocean, had a value of \$94 million.
- (2) The coastal commercial fishery had a value of approximately \$22 million.
- (3) The coastal sport fishery had a minimum economic benefit of \$200 million to the State.
- (4) Total economic benefit is usually considered to be approximately three times the dockside price. Therefore, in 1971 if the tuna fishery total benefit was approximately \$282 million, the coastal commercial fishery was approximately \$66 million, and if we take the total economic benefit of the coastal sport fishery of the aforementioned \$200 million, we find that the total coastal fishery, including both the commercial and the sport fishery, was approximately \$266 million, and the tuna fishery was approximately \$282 million, roughly equal benefit to the State of California.

#### THE NATION

- (1) According to data printed for the use of the Committee on Commerce relative to the hearings before the Subcommittee on Oceans and Atmosphere, the total value in 1972 of the entire commercial fishery including coastal species and anadromous species, migratory species, and coastal species off foreign coasts, was \$765.5 million. This also represents dockside prices as the

table is entitled, "Landing and Value of U.S. Fish and Shellfish by Major Groupings in 1972."

(2) The latest estimates of the value of the coastal sport fishery in the United States when an appropriate share of the various recreational and manufacturing industries that are attributable to and directly serve the ocean sport fishermen, is between 4½ and 5 billion dollars annually.

We have a situation in which, as the committee already well knows, and has considerable published data, that the high seas fishery of foreign nations is decimating the fish populations on both our east and west coasts, and moving to further do so. They have far outstripped and outrun our own fishing industry which is, with the exception of our tuna fishery, antiquated and unable to compete. And, even more important economically, they are destroying the coastal sport fishery which involves a 4½ to 5 billion dollar industry much larger than the size of the U.S. commercial fishery with all its attendant benefits of jobs, income and recreation for our people.

The U.S. needs desperately to institute the 200-mile limit immediately. In conjunction with that we need, desperately, to develop and implement a national fisheries plan. The best organized and most vocal of our commercial fisheries is the tuna fishery. They have dominated the philosophy, legislation, and economic control of our national fisheries picture to what they believe to be their best interests for the last 20 years.

The reality is that our distant water tuna fishery produced only 11 percent of our national catch by weight, and less than 20 percent of our national fisheries products by value—U.S. landings, 1972. This is a pittance compared to the value of the coastal sport fishery in this country.

It is time that we all recognize that we must farm the oceans together. It is not our interest, as sport fishermen, to take something away from the tuna fishery. It is in our best interest to preserve and enhance both the coastal and high seas fisheries for both the commercial and recreational industry interests.

The need for a balanced, comprehensive fisheries policy is obvious. The goals of the national fisheries plan are specifically to "maintain and restore fishery stocks of interest to the United States, develop and maintain a healthy fishing industry, increase the contribution of marine resources to recreation and increase the supply of wholesome competitively priced fisheries products to the U.S. consumer."

The foreign fishing nations, and especially those such as the Soviets and Japanese, who have the most sophisticated biological data-gathering systems, are ignoring the warnings of marine biologists and fishery scientists, and while the world is debating conservation, they are reducing species after species to the point of economic if not biological extinction. In danger now, as we already know, is the Pacific Ocean perch off Oregon and Washington, the haddock of the northwest Atlantic, Atlantic herring, yellowtail flounder, cod, Pacific halibut, Bering Sea groundfish, Atlantic mackerel, and bluefin tuna.

There has been considerable reluctance on the part of many legislators on the national level to support imposition of a 200-mile fishery jurisdiction by the United States out of the concern that not

only would other nations follow suit but we would lose access to other coastal resources, plus a concern with respect to transit and international security matters.

It must be pointed out that transit, defense, and use of the bottoms are separate from the proposed fisheries jurisdiction.

I cannot help but agree that a better solution would be an international agreement, however, there is little hope that any is forthcoming and that even in the unlikely event that early agreement is achieved in conference, ratification, and implementation by 130 nations is inevitably in the distant future.

I submit to you, in the words of D. Otis Beasley:

Individual nations are simply unwilling to hold in abeyance claims of rights they regard as essential to their national interests pending a resolution of the conflicting interests. Much of international law had its origins in unilateral assertions of national rights. Now that man has the ability and the political and economic incentives to occupy ocean space, nations will continue to make unilateral declarations of their rights. Assertions having merit will gain international acceptance.

An outstanding international lawyer has stated:

One lesson in legal history is that workable rules of law cannot be abstractly prefabricated; they can only be derived from experience.

The geological structure of the earth supports the right of a nation to all ocean resources, living and nonliving, to the seaward limit of its continental terrace if not to its continental margin. This right has been recognized only in small part. Until this concept becomes the law of the sea there will be no international agreement on the rights of coastal states.

The marine angler has much at stake in the controversy over the rights of coastal states to the resources in the waters along their coast. His interest will best be served by supporting a nation's rights to all ocean resources within its continental terrace, including support for the conservation, development, and utilization of those resources.

We believe the time is very late and that action is needed now.  
Thank you.

Senator TUNNEY. Mr. Kameon, it's your position that the economic value of sports fisheries is between  $4\frac{1}{2}$  and \$5 billion, did you say, to the country, and the economic impact of tuna fishing is—I forget what you said—\$765 million?

Mr. KAMEON. No, that was the total in 1972.

Senator TUNNEY. Yes, that's right. And the tuna fishing was \$282 million?

Mr. KAMEON. That's correct. Based on the 1971 figure on the landings.

Senator TUNNEY. So you're saying that sports fisheries have a greater impact economically than tuna by almost 10 to 1?

Mr. KAMEON. No. If you take the total landings—you still have to take the total landings, and go by the 3 times factor also. You're going to use the 3 times extrapolation factor in terms of impact on the economy, you'd have to take the total landings and multiply that by 3 times to arrive at the comparable  $4\frac{1}{2}$  to 5.

We're still saying it's much more, but we're taking account of all the tackle manufacturers, the boat manufacturers, the sport fishermen on the party boats, and all the related parts and expenditures involved here, of course.

Senator TUNNEY. I just want to make sure I understand the figures.

For the sports fishery it's 4½ to 5 billion, is that right?

Mr. KAMEON. Yes.

Senator TUNNEY. That's the economic impact.

And what was it for——

Mr. KAMEON. Well, I guess that would be up around 2¼ or 2½ billion. I'm talking about total impact on the economy.

Senator TUNNEY. Total, yes.

Mr. KAMEON. I'll be glad to furnish the committee with more elaborate statistics on that point if you wish.

Senator TUNNEY. Yes. But I just see here, in your statement:

According to data printed for the use of the Committee on Commerce relative to the hearings before the Subcommittee on Oceans and Atmosphere, the total value in 1972 of the entire commercial fishery including coastal species and anadromous species, migratory species, and coastal species off foreign coasts, was \$765.5 million.

I see, you're multiplying that by 3, is where you get the 2½ billion.

Mr. KAMEON. Yes.

Senator TUNNEY. Well, thank you very much, Mr. Kameon. I am sorry that we do not have more time to question you on your statement, but I think that it is self-explanatory, and your attachment will be included in the record as if read.

I understand that we will have, in northern California, in San Francisco, others who will be testifying to the same point that you are making. That's what I'm informed by staff. So perhaps some of the questions that I have on your statement can be addressed at some future point to either you, by mail, or to some of the others who are going to be testifying on the same point.

The press of time is such that I just have to leave now.

Mr. KAMEON. I appreciate the opportunity to have given this testimony, and I'll be glad to answer any further questions.

Senator TUNNEY. Thank you very much, Mr. Kameon.

[The attachment follows:]

## The Bluefin Tuna Situation

by Frank J. Mather, III  
Associate Scientist  
Woods Hole Oceanographic Institution  
Woods Hole, Massachusetts, USA

(Following is part of the presentation made by Mr. Mather  
at the International Game Fish Research Conference held  
in New Orleans, Louisiana in late October, 1973.)



### IGFA

The Atlantic bluefin tuna is in trouble. This species was one of the first offshore big game fish to challenge the interest of sport fishermen. It was also the original commercial tuna, with some fisheries, pre-dating the Christian era. Now the danger signs are obvious. Catches of large bluefin have declined catastrophically. Tag return rates are alarmingly high; and a dangerous imbalance in the structure of the stocks, which now consist almost entirely of very old and very young fish, is prevalent.

The assessment of bluefin stocks is extremely difficult. The species is very extensively distributed and has great mobility. Its distributional pattern changes markedly with age of fish, and its migrations sometimes vary unpredictably. At certain seasons, it tends to concentrate in large schools in relatively small areas. This tendency makes it extremely vulnerable to some types of fishing, especially purse seining. This, in turn, reduces the effectiveness of the time-honored "catch and effort" approach to stock assessment. In addition, the life span of the bluefin is relatively long — some of the very big fish may be nearly twenty years old — in contrast to the much shorter-lived species to which most recent tuna research has been devoted.

Bluefin tuna fisheries have undergone great changes in the past quarter century. Previously, the most productive fisheries

were the traps in the Mediterranean and its approaches, and the trolling fleet in the Bay of Biscay. Many of the traps had been operating in the same locations for centuries, and the trolling fishery was also an ancient one. Now longline vessels are fishing almost all the productive oceanic waters of the Atlantic, where the stocks had previously been untouched. The catches of coastal fisheries have been greatly increased by the introduction of the purse seine and live belt methods, as well as by expanded use of, and technological improvements in, the older types of gear. The efficiency and range of the vessels have also been increased.

Typically, as each new fishery, or modernization, was introduced, the catches increased rapidly for a few years, then decreased almost as rapidly. Since these changes occurred at different dates, some fisheries were on the increase while others were declining. Thus, until recently, the total catch did not decline precipitously. Before discussing the fisheries in detail, some biological information will be presented.

#### Spawning and Growth Characteristics

The spawning of bluefin tuna is not fully known, but it appears to be concentrated on the eastern and western sides of the North Atlantic, and in the Mediterranean. Giant bluefin spawn in spring in the Straits of Florida and in the Gulf of

Mexico, off the coast from Florida to Cape Hatteras and probably off the Atlantic side of the Bahamas. Medium-sized bluefin probably spawn in late spring near the northern edge of the Gulf Stream off the Middle Atlantic states. Spawning of bluefin tuna in the Ibero-Moroccan Bay, west of Gibraltar, is indicated by the arrival of ripening fish in May-June, and the departure of spent fish in July-August, but has not been confirmed by collections of larvae. Possibly the products of spawning are carried into the Mediterranean by the surface currents, or the fish actually enter the Mediterranean to spawn, and then return to the Atlantic. Collections of larvae and small juveniles show that bluefin spawn in the Mediterranean, especially in the vicinity of Sicily. Spawning occurs from mid-June through August, with the smaller fish spawning later than the larger ones. Spawning has also been reported in the Black Sea and in equatorial waters south of Sierra Leone.

The growth of bluefin tuna has been fairly well determined, up to about 14 years of age, with only slight differences between the results obtained by investigators working in different areas. A two-year-old tuna weighs about 20 pounds (9 kg), a five-year-old, about 100 pounds (45 kg), a ten-year-old, about 320 pounds (150 kg) and a fourteen-year-old fish, about 640 pounds (290 kg). No one has successfully determined the ages of the larger and older fish. There are some indications, however, that the growth of bluefin tuna is now more rapid than these figures indicate. Such an increase in growth rate often occurs when a stock has become less numerous.

#### Migratory Patterns

Tagging, much of it by cooperating sport fishermen, has produced important information on the migrations and populations of the bluefin, but much remains to be learned. A basic limitation of tagging, which applies especially to this species, is the tendency for the returns to be concentrated in a few relatively small areas of intensive fishing. Another problem is that the migratory patterns of the bluefin are subject to apparently unpredictable changes. The information obtained by tagging, however, has been supplemented by studies of the size composition of catches, and of the body proportions and genetic characteristics of the blood and tissues of fish taken in different areas. In addition, hypotheses have been based on the times of appearance and disappearance of fish in given areas, and their observed direction of travel.

There is considerable evidence that a group of large bluefin moves from off easternmost Brazil in March-April to off the Bahamas in May-June, perhaps merging there with another group which has wintered near the Greater Antilles and in the Gulf of Mexico. These fish pass Cape Hatteras in late June. It has generally been assumed that they then move into New England and Canadian waters for the summer. Tag returns have shown, however, that, in some years at least, some of these fish cross the Atlantic to Norwegian waters. European scientists noted that the tagged immigrant bluefin which had spent the summer crossing the relatively barren waters of the Atlantic were very lean in comparison with the local fish which had been feeding in coastal waters during the summer. Applying this knowledge to records of the length-weight ratio of late season German catches of giant bluefin in the North Sea, Tiews (1964) concluded that the yearly contribution of immigrant from the western Atlantic to these catches varied from 0 to 39 percent. Tiews' estimates are quite consistent with the indications of transatlantic migrations obtained from tag returns.

Smaller bluefin tagged in the western Atlantic have usually migrated in a northeasterly direction from off southern

New Jersey to off Massachusetts during the summer and early fall, but a few have migrated across the Atlantic from this area to the Bay of Biscay. As with the larger fish, these transatlantic migrations have been grouped in certain years, rather than randomly distributed. While the recorded transatlantic migrations of large bluefin occurred mainly within the warm season (May-October), those of small bluefin occurred mainly during the cold season (October-May). Discounting 1,112 fish which were recaptured during the season in which they were released, 1,201 out of 9,613 small bluefin tagged in the northwestern Atlantic in the years 1954-72 were recaptured in the tagging area, as against 40 recaptured in the Bay of Biscay. This indicates that west-east transatlantic migrations of small bluefin are the exception, rather than the rule.

Rodewald (1967) showed that the west-east transatlantic migrations of both large and small bluefin might have been related positively to the prevalence of exceptionally strong westerly winds over the North Atlantic.

Two out of 98 small bluefin tagged off the coasts of Spain and Portugal have been recaptured off New Jersey and Massachusetts, as against only three recaptured locally. More consistent and numerous taggings in the eastern Atlantic are needed to determine the rates of flow of small bluefin across the Atlantic.

Considering that some mixing does occur between the groups of bluefin on opposite sides of the Atlantic, biological relationships of these fish must be examined. Unpublished studies of body proportions of bluefin tuna from the two regions show that those from the western Atlantic tend to have slightly longer heads and pectoral fins and deeper bodies than those from the eastern Atlantic. On the other hand, studies of samples of heart tissue did not show genetic differences, in the characteristics examined, between bluefin tuna from opposite sides of the Atlantic.

The tagging of bluefin tuna in the eastern Atlantic has also produced information on migrations of bluefin within that area, and from it into the Mediterranean Sea. Six of 242 medium sized and large bluefin tagged in Norwegian waters in 1957-62 have been recaptured near Cadiz, Spain, as against 26 recaptured in Scandinavian waters. These results indicate that, in some years at least, the fisheries off Norway and off southern Spain depend, at least partly, on the same stock. Studies of the size composition of the catches in the respective fisheries, however, show that the fisheries utilized the same stocks in some years (1955-60, 1965-68), but different stocks in others (1961-64). It has been concluded that the differences in the composition of the catches were caused by the splitting of the stock into two components following different migration routes in the years in question.

Four of 312 bluefin of various sizes tagged near Cadiz, Spain, have been recaptured in the Mediterranean, whereas 14 were recaptured in Atlantic waters off Spain, Portugal and Morocco. Two other tags were reportedly recovered in the Mediterranean, but have not been returned. Since the bluefin tuna fisheries in the areas where the Atlantic recaptures occurred were much more productive than those in the western Mediterranean, it seems probable that a considerable proportion of the fish which support the Atlantic trap fishery off southern Spain enter the Mediterranean. Several scientists had maintained that the Strait of Gibraltar was a barrier to the bluefin tuna during its spawning migration. Lozano (1959), however, tracked bluefin tuna schools with sonar as they passed through the Strait in both directions.

Studies of body proportions and counts of fin rays indicate



that bluefin taken in the eastern Atlantic differ from those taken in the Mediterranean. Immunological studies also suggested that some of the bluefin found in the Mediterranean differed from those found in the Atlantic.

Sara (1963) concluded that bluefin over 220 lbs. (100 kg) spawn in the Mediterranean but spend the rest of the year in the Atlantic, whereas smaller individuals spend the entire year in whichever of these waters was their birthplace. This hypothesis fits the facts well, but some emigration of very young bluefin from the Mediterranean to the Atlantic would probably be required to maintain the Atlantic stock. There are indications that such migrations actually occur.

The structure and inter-relationships of the Atlantic and Mediterranean bluefin stocks appear to be so complex that there is little likelihood that they will be fully understood in the foreseeable future. The available evidence indicates that there are separate spawning stocks on the eastern and western sides of the Atlantic, with an unknown, but varying, degree of interchange between them. This interchange appears to be important in some years, but negligible in others. The situation in the eastern Atlantic and Mediterranean area is less clear. It is possible that there are separate stocks in the two areas, which mingle to an unknown degree, or, as Sara suggests, that the smaller fish remain separate in their respective areas, but the majority of the larger ones follow an Atlantic-Mediterranean migratory pattern.

#### Catch Statistics and Tagging Results Show Decline of Fisheries

Bluefin tuna fisheries extend over much of the coastlines of the Mediterranean and the temperate parts of the North Atlantic, and large areas of the oceanic waters of the North and South Atlantic. Hook and line fishing occurs over most of the coastal range of the species, and harpooning is also practiced in much of this area. Purse seining is important off Norway and Morocco, off the northeastern coast of the United States, and over much of the central and western Mediterranean. Live bait fishing is dominant in the Bay of Biscay, and important off Morocco. The trap fisheries, which have declined greatly, survive in the central Mediterranean (Sicily, Sardinia, Tunisia and Libya) and west of Gibraltar (Spain and Morocco). Longlining occurs seasonally over nearly all the productive waters of the Atlantic. Fleets are operated by Japan, South Korea, Nationalist China, Cuba, Venezuela, and the Soviet Union.

Most of the fisheries for large bluefin, for which satisfactory data are available, have declined greatly. This is especially true in the northeastern Atlantic, where over 150,000 fish were taken in peak years of the 1950's. The 1972 and 1973 catches have totaled about 1,500 and 2,100. The German and Danish hook and line fisheries took over 1,000 tons each in some years. Now the former is defunct and the latter negligible. The Norwegian seine fishery, which produced over 10,000 tons in peak years in the 1950's, yielded only 300 fish in 1972 and 100 fish in 1973. The trap fishery of the Ibero-Moroccan Bay, which sometimes took over 100,000 fish per year, caught only about 1,370 fish in 1972 and 2,056 in 1973. The Portuguese traps, which have yielded over 20,000 fish in some recent years, produced only one or two fish in 1971 and 1972, and were not set in 1973. The Moroccan traps produced over 30,000 fish in 1958 and only 12 in 1973. The Spanish trap at Barbate, the most productive in the Atlantic-Mediterranean system, averaged over 18,000 fish for 1929-1959 but took only 388 fish in 1972 and 1,738 in 1973.

The Mediterranean bluefin fisheries did not decline as soon as those of the northeastern Atlantic, but the trap fisheries

there have also collapsed in the last two years. The Sidi Daoud trap in Tunisia, which averaged about 8,000 fish per year from 1863-1963, the highest in the Mediterranean, reportedly took only 100 fish in 1972. Porto Scuso and Porto Paglia in Sardinia averaged 7,200 fish per year (combined) from 1825-1927. They took about 150 fish in 1972 and 215 in 1973. Two of seven Italian traps which averaged 5,000 fish per year or more in 1879-82, no longer operate, and only one took as many as 1,000 fish in 1972 or 1973. The trap catches in Libya, which generally ranged between 550 and 2,050 fish per trap in the 1920's and 1930's, were only 387 fish per trap in 1972.

The Japanese longline fishery entered the Atlantic in 1956, but took large numbers of bluefin only in 1962-66. In scientific data collection efforts, bluefin tuna (*Thunnus thynnus thynnus*) were not separated from southern bluefin (*T. maccoyii*) for catches prior to 1966. In the ensuing discussion, it is assumed that bluefin caught in areas below latitude 20° south were *T. maccoyii*, and those caught in the other areas were *T. thynnus thynnus*. Less than 10,000 bluefin were caught per year in 1956-61. Annual catches for the years 1962-66 were 53,308, 86,838, 82,636, 58,598 and 21,882 fish respectively. The 1967-71 catches were again less than 10,000 fish per year, declining to 469 in 1970, but increasing again to 7,938 in 1971. The largest catches were in areas of the northwest Atlantic. Catch rates peaked in the southwest areas at about 4 fish per thousand hooks in 1963, and in the northwest area at about 3 fish per thousand hooks in 1965 and 66. In each area, the catch rate fell to a very low level within two years of reaching its peak. The new rise in 1971 was due mainly to increased catches in the northwest Atlantic. These may have resulted from more specialized effort for bluefin in response to the extremely high prices offered in Japan for the fat bluefin taken in late summer and fell off in New England and Canada.

It is difficult to obtain statistics on catches of large bluefin in northwestern Atlantic coastal waters, since most of the catches are by small boats operating out of numerous ports from New Jersey to Newfoundland. Sport fishing success was very good in 1971 and 1972, as very large bluefin were available in good numbers in certain areas. There were some indications of a decline in the 1973 season. Extremely high prices for giant tuna resulted, however, in a great increase in fishing effort in 1973, with many more boats fishing and much less use of sport fishing (rod and reel) gear. Despite this intensive effort, the total catch appears to have been no greater than in 1972. In the 1972 Cape Ann (Gloucester, Massachusetts) Tuna Tournament 56 boats took 148 bluefin with an average weight of 567 lbs. (258 kg) in 4 days. In 1973, 54 boats landed 23 bluefin with an average weight of 645 lbs. (293 kg) in 4 days. The sport fishing for giant tuna at Notre Dame Bay, Newfoundland, reportedly declined so badly in 1973 that many boats cancelled their charters.

The fisheries for smaller bluefin have not declined comparably. The conversion of the Bay of Biscay fishery to the live bait method caused marked increase in the catches in the 1950's, but this level has seldom been approached since 1960. Similarly, the expansion of the northwestern Atlantic purse seine fishery in 1962 resulted in large catches through 1965, but subsequent catches have been smaller, except in 1970 and 1971. West-east transatlantic migration of small bluefin between the 1965 and 1966 seasons, which was indicated by tag returns, was apparently reflected by the great decline in the northwestern Atlantic catch, and increase in the Bay of Biscay catch, in this period. The large northwestern Atlantic

catches in 1970 and 1971 may have been influenced by the east-west transatlantic migration which was also indicated by tag returns.

Tag return rates for small bluefin tagged in the western North Atlantic indicate very heavy fishing pressure on the stocks. In most years, the return rate has approached or exceeded 30 percent in less than 30 months. The 1965 release group is the only one for which this did not occur. Tag returns show that many of these fish emigrated to the Bay of Biscay. Considerable numbers of tags are shed. Some tagged fish die as a result of capture and tagging, and others from natural causes. Also, some tagged fish are lost through fishing accidents, or are discarded. Finally, some tags are not returned, either through negligence or because of suspicions entertained by the finder. Most of these fish were from one to three years old when tagged. In view of these return rates, it is not surprising that very few fish of the year classes which have passed through this seine fishery are found among the catches of larger bluefin.

#### Slaughter of Baby Bluefin Part of the Problem

Another probable cause of the bluefin problem is the inexcusably wasteful slaughter of new-born fish (less than 1 year old, weighing less than 5 lbs. or 2.5 kg). Large commercial catches of such fish have been taken off Sicily and Morocco. De Cristolano (1970) described a single seine catch off Sicily of 60,000 individuals weighing about two-thirds of a pound (300 gr) each. Rodriguez-Fruda (1964) estimated that half a million baby bluefin were caught in a few weeks off the Spanish port of Ceuta, on the Mediterranean coast of Morocco, and reported (1964) that large numbers of similar fish were also frequently taken by Spanish fishermen off the Atlantic coast of Morocco. Unfortunately, sport fishermen in the United States have also thoughtlessly participated in the slaughter of these baby bluefin on the rare occasions when they have been available to them.

The return rates for giant bluefin tagged in the northwestern Atlantic, although much lower, increased very markedly during the 1973 season. This, along with the decreases in catch

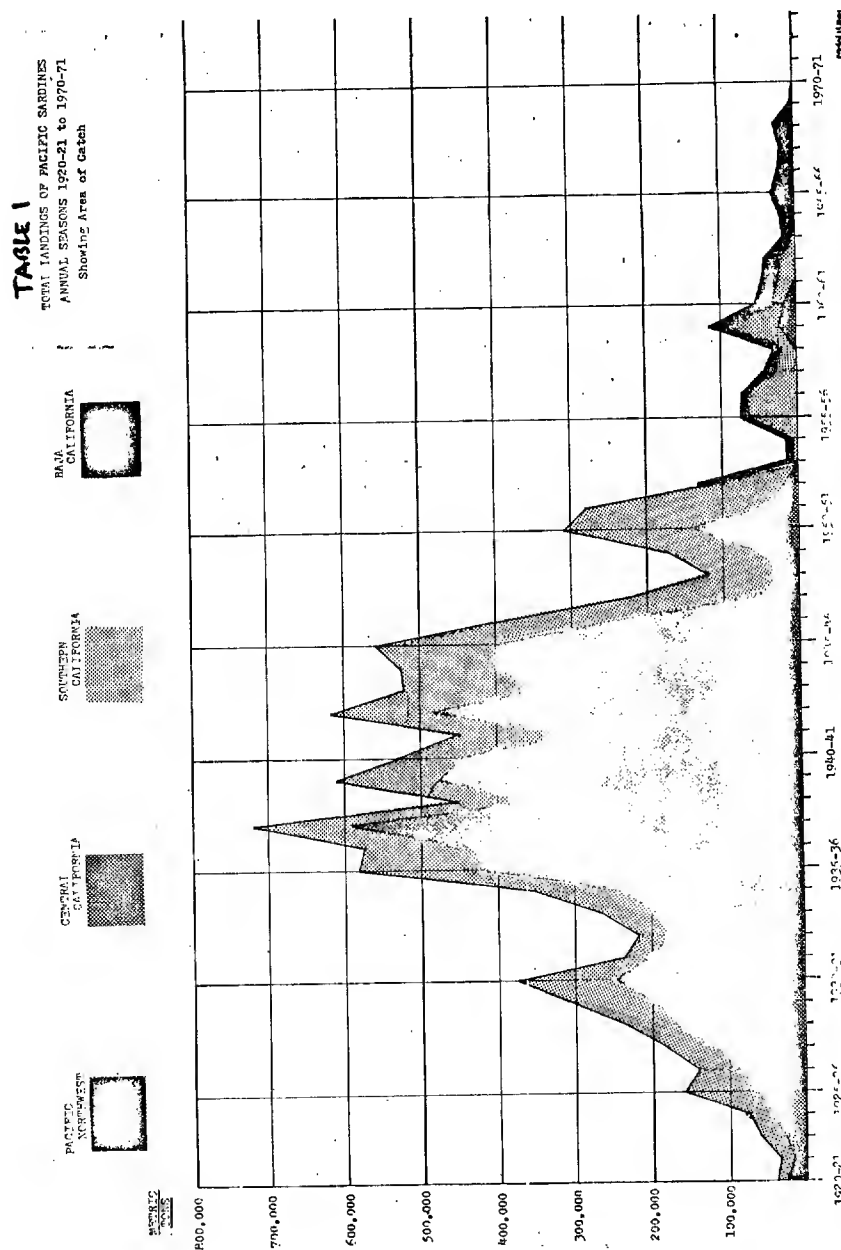
which have been noted, suggest that the supply of large bluefin, most of which had probably passed through ages harvested by the seine fishery before its expansion, may soon be exhausted.

#### Size Composition of Stocks Spell Danger for the Species

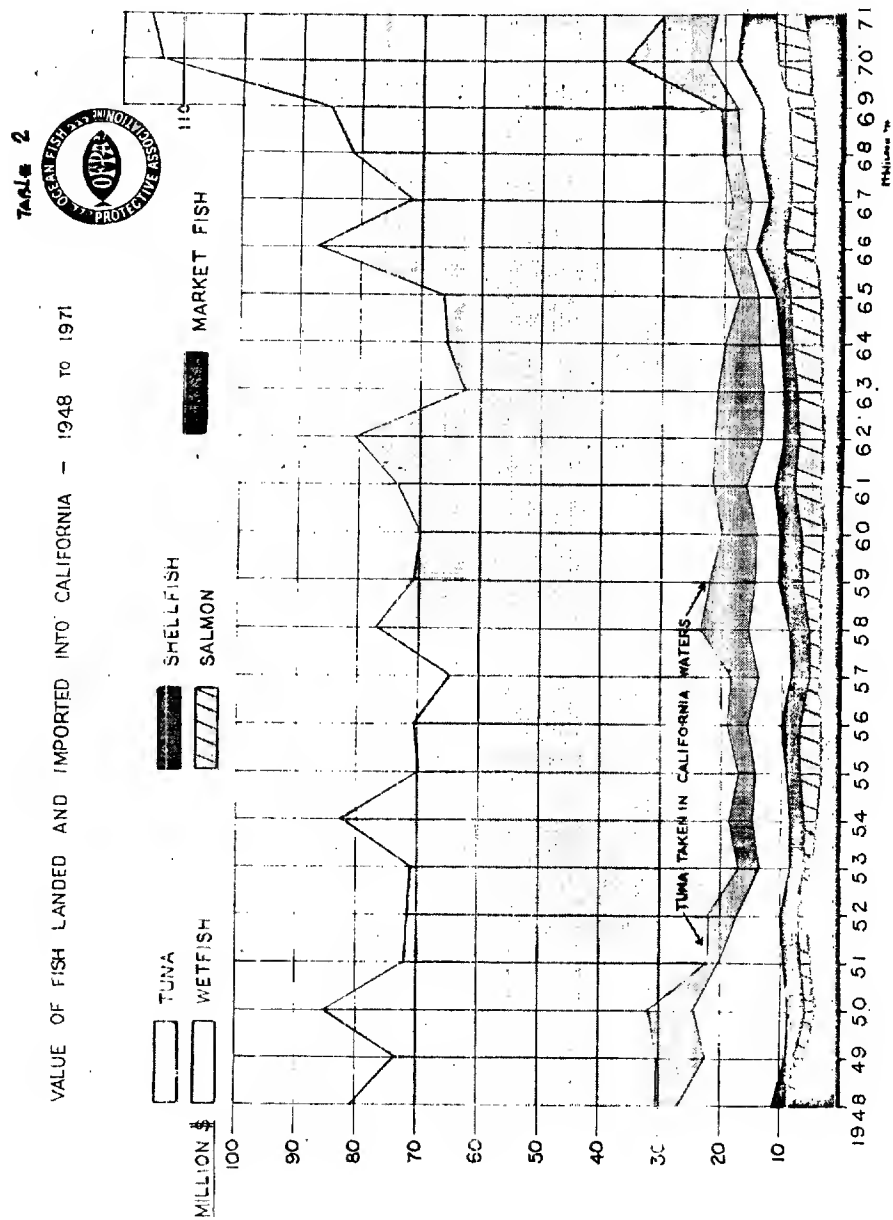
The third danger sign, which is prevalent in almost every area for which data are available, is the unbalanced size composition of the stocks. The size composition of samples from various fisheries, and for various numbers of years, were compiled from several sources. This data is compiled in terms of three size groups. The "medium" size group (70-270 lbs., 32-122 kg, ages 5-8 years), which was formerly abundant in many areas, has virtually disappeared from the catches. Closer examination of the data shows that the younger ages of the "giant" group (9-11 or 12) are also disappearing. A single catch in a trap in Sicily in May, 1973, for example, consisted of 111 fish with an average weight of 1,040 lbs. (470 kg).

Whether this situation is the result of over-fishing of young bluefin, of natural causes, or a combination of the two, the danger is clear. When the surviving "remnants of ancient year classes," to quote Sara, have disappeared, there will be virtually no spawning stock.

It has been argued that the data are insufficient to demonstrate this danger in terms of sophisticated calculations. There is no likelihood, in view of the complexity of the situation, that such data can be obtained in the foreseeable future. On the contrary, as various bluefin fisheries collapse, the scientists who have been studying them are assigned to more economically important species. Also, to further quote Dr. Sara, "the object of the research, and that is to say the tuna, is itself disappearing." In fact the total 1972 and 1973 catches of the large bluefin fisheries in the northeastern Atlantic did not even constitute biological samples. Only immediate action to protect the bluefin stocks can prevent imminent disaster.



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Senator TUNNEY. The hearing is adjourned, and we will meet tomorrow in San Francisco, at 9:30 a.m.

[Whereupon, at 4:40 p.m., the hearing was adjourned, to reconvene at 9:30 a.m., Friday, April 19, 1974, in San Francisco, Calif.]

[The following information was referred to on p. ———:]

MINISTERIAL REGULATION 59,  
February 7, 1973.

REGULATIONS OF THE GRANTING OF LICENSES IN ORDER THAT FOREIGN VESSELS  
MAY VISIT THE ECUADOREAN TERRITORIAL SEA AND THE COAST AND ISLANDS  
OF ECUADOR FOR PURPOSES OF TOURISM OR SCIENTIFIC RESEARCH

*Article 1.* Every foreign vessel wishing to visit the Ecuadorean territorial sea or the coast or islands of Ecuador for purposes of tourism or scientific research should obtain the proper approval in writing from the Ministry of National Defense.

*Article 2.* In order to obtain the approval to which reference is made in Article 1, the owners or captain of the vessel shall, at least 60 days in advance of the date set for the cruise, file an application in writing directly with the Ministry of National Defense or through an Ecuadorean Embassy abroad, which application should be accompanied by the detailed information, requirements and documents to which reference is made in the following Articles:

*Article 3.* If the cruise is made simply for purposes of tourism, the application referred to in Article 2 should be accompanied by the following detailed statement and documents:

1. Characteristics of the vessel.
2. Schedule of voyage and a statement of activities to be carried out.
3. Names of Ecuadorean and foreign sponsors of voyage and their mailing addresses.
4. Place and date of embarkation and disembarkation.
5. An undertaking to take an Ecuadorean tourist guide on board at a port to be designated by the Ministry, such guide to be paid by the Company.
6. An express undertaking to comply with the rules for preservation of the national parks and those natural species declared to be national reserves and to pay compensation for any damages caused.

*Article 4.* Whenever an expedition is undertaken for the purpose of carrying out scientific research the proper application should be accompanied by the following documents, *in addition to those described in Article 3*:

1. Names of the scientific personnel participating.
2. Names and mailing addresses of the representatives or attorneys in Ecuador.
3. A detailed statement of the research work to be performed in the following fields: Oceanography, Physics, Chemistry, Biology, Geophysics, Meteorology and Hydrology.
4. An undertaking to call at the nearest Ecuadorean port and to take on board there an officer or official of the Navy's Oceanographic Institute.
5. Purposes of the research results.
6. An undertaking to deliver, through diplomatic channels, a copy of the full results and conclusions of the studies made, and with indication of the date.
7. An undertaking to cooperate with Ecuadorean technicians in scientific work in which the Navy's Oceanographic Institute may be interested.
8. In the specific case that the vessel is to carry out geophysical research for underwater seismographic exploration, the Ministry of Natural Resources and Tourism will be responsible for the granting of the proper hydrocarbon concession, under the Supreme Decree in Official Register 400 of May 31, 1970.<sup>1</sup> The Naval Headquarters shall, through the Ministry of N-R-and T require, within a period of six months from the date of completion of the survey, that the natural or judicial persons concerned provide the following information:

The seismographic research method used.  
Number of shot lines and shots (estacadas y pliegues).

<sup>1</sup> Translator's Note: The Official Register 400 is for March 31, 1970.

Filtration process from its inception to final reproduction of recordings.  
Deconvolution process and the manner of performing it, with an indication as to whether it was performed before or after stagnation.  
A basic map showing the location of the exploration points.  
Copies of the cross sections and longitudinal sections of the seismic records of density or variable areas, properly adjusted and processed on adequate vertical and horizontal scales.

Copy of the Bathymetric Map.

*Article 5.* After the application is filed with the Ministry and on the basis of a favorable opinion rendered by the Naval Headquarters and verification that the application meets the requirements stated in Article 4, the Ministry will issue a resolution approving such application.

*Article 6.* If an expedition is approved, the appropriate resolution should specifically state the terms and conditions of such approval. If an application is refused, the reasons for refusal should be stated.

*Article 7.* If it is ascertained, before the Ministry resolution to which reference is made in Article 5 is issued, that one or more of the requirements set forth in Articles 3 and 4 have not been met, the interested party will be required to comply with the same within a stated period.

*Article 8.* The Ministry or the Naval Headquarters may postpone or refuse approval if, after reviewing the pertinent documents, it feels that the expedition is untimely or that it will not serve the best national interests, and no reasons for such action need be given.

*Article 9.* If, after approval for an expedition is granted, there should occur circumstances necessitating such action or if the concessionaire should fail to comply with one or more of the requirements or conditions stipulated in the proper resolution, the Ministry may cancel such approval. In such cases, a reasonable period will be granted to the Captain of the vessel for leaving the national waters.

*Article 10.* No vessel, even though approval has been granted for an expedition, may enter the Ecuadorean territorial waters unless the proper permit has been obtained.

*Article 11.* At the time of starting on an expedition in Ecuadorean territorial waters, the Captain of the vessel will surrender to the tourism official the Ministry resolution of approval and the latter will give him the following:

- (a) The orders and directions of the Naval Headquarters.
- (b) Instructions from the Navy's Oceanographic Institute relating to the tasks to be performed and verifications to be made.

*Article 12.* Upon completion of the expedition, the Captain will be given authorization to weigh anchor by the appropriate port Captain.

*Article 13.* The Ecuadorean officer shall, within a period of 30 days from the date he is put ashore, submit to Naval Headquarters a report, copies of which will be sent to the proper Ministry and the Oceanographic Institute.

*Article 14.* The report to which reference is made in Article 13 should cover those matters which will be specified in the special instructions which will be issued by the Navy's Oceanographic Institute for this purpose.

Issued at the Ministry of National Defense, in Quito, on February 7, 1973.

/s/ MARCO ALMEIDA JATIVA,  
Major General (Retired),  
Minister of National Defense.  
/s/ BOLIVAR N. NARVAEZ,  
Staff, Colonel,  
Sub-Secretary of National Defense.

THE PROPELLER CLUB OF THE UNITED STATES,  
San Diego, Calif., April 16, 1974.

Hon. JOHN TUNNEY,  
U.S. Senator,  
New Senate Office Building,  
Washington, D.C.

DEAR SENATOR TUNNEY: You must be aware of the great harm Senate Bill 1988 would cause fishermen and their families if it is passed. Many of us in California are either directly or indirectly affected by the fishing industry, and the buying power of a great portion of the population in San Diego depends on a prosperous fishing industry.

The enactment of Senate Bill 1988 could frustrate the continuing development of Southern California oceanographic research and sportfishing. It could also set an example for retaliatory measures by other nations. Furthermore, we feel that the enactment of this legislation would be premature prior to the conclusion of the Law of Sea Conference scheduled to be held in Venezuela later this year.

We respectfully request that this letter be made a part of the record for any hearings on the Senate Bill 1988 as the official position of The Propeller Club of the United States, Port of San Diego.

Sincerely yours,

BERT J. SALONEN,  
*President.*

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UNITED NATIONS GENERAL ASSEMBLY,  
*April 2, 1973.*

COMMITTEE ON THE PEACEFUL USES OF THE SEA-BED AND THE OCEAN FLOOR  
BEYOND THE LIMITS OF NATIONAL JURISDICTION SUB-COMMITTEE II

SPECIAL CONSIDERATIONS REGARDING THE MANAGEMENT OF ANADROMOUS  
FISHERIES AND HIGHLY MIGRATORY OCEANIC FISHES

WORKING PAPER SUBMITTED BY THE UNITED STATES OF AMERICA

The biological characteristics of fish species are critical in determining how they can most effectively be managed and economically exploited. The technical and economic characteristics of a fishery developed under the influence of the biological nature of the fish in turn are important determinants of the best system for managing the fishery for conservation purposes and for regulating it for economic objectives.

For example, relatively sedentary or localized fish populations, which for the most part inhabit comparatively shallow waters near coasts, can be exploited by small vessels of limited range based on the nearby coast and can be managed by the adjacent coastal State.

Some anadromous species, such as the salmon, have quite different biological characteristics which tend to determine different patterns of exploitation and different systems of conservation of the resources and regulations of the fisheries.

There are other valuable species which live out their lives in the open ocean, migrating long distances and associating themselves only temporarily, if at all, with coastal features. The classic example of this type of fishery resource is the tunas.

This working paper describes the special characteristics of anadromous and highly migratory fishes which, in the judgment of the United States, require that they be dealt with in special ways.

PART I. SPECIAL CONSIDERATIONS REGARDING THE MANAGEMENT OF  
ANADROMOUS FISHES

The term "anadromous," derived from the Greek *ana*—"upward"—and *dromein*—"to run," retains in the fishery context its literal meaning: to run upward, or ascend from the sea. More completely, anadromous fishes are those which require a fresh-water environment for their spawning, egg incubation, and, in most cases, the rearing of juveniles—and upon the marine environment for the majority of their growth and maturation. This group of unique aquatic resources includes not only the Pacific and Atlantic salmon, which produced a catch of some 400,000 metric tons in 1970, but also such widely distributed forms as the trouts, shads, striped bass, smelts and sturgeons which together accounted for a commercial harvest of over 600,000 metric tons, spread over some 25 countries. One genus of the shad family, *Hilsa*, is especially important throughout southern and southeastern Asia where it contributes significantly to the local catches from the Suez to the Yangtze River.

All of these animals share a high degree of dependence upon the maintenance by their "host" state of a suitable environment for a key portion of their life history.

The Pacific salmon (genus *Oncorhynchus*) are prime examples of this group, for together they comprise the world's largest anadromous fishery re-

source; have a wide natural distribution; have been transplanted, with mixed results, into the Atlantic, Arctic and South Pacific Oceans, as well as land-locked lakes; and are highly desirable for both commercial and recreational use.

#### *Distribution and life history*

With regard to their natural distribution, one or more species of Pacific salmon spawn in the fresh waters of the western United States from central California north, in the Province of British Columbia and the Yukon Territory of Canada, throughout the coastal areas of Alaska from its south-east tip into the Arctic Ocean and along the length of the Aleutian Island chain; along the Siberian Coast of the USSR; and in Japan and Korea.

Although members of the same genus, the six species of Pacific salmon exhibit quite different biological characteristics and life histories. For example, the pink salmon is short-lived (two years) and rarely exceeds three kilograms in weight. On the other hand, the chinook or king salmon often lives to an age of seven years and commonly attains a weight in excess of 20 kilograms (occasionally to over 40 kilograms).

#### *Responsibilities of the host State*

As diverse as these species are, they share both a wide-ranging marine existence and the unique and precise homing characteristics that cause them to return not only to the river system of their origin, but to the particular tributary of their birth.

This dependence upon the freshwater environment for the survival not only of individuals but stocks and indeed entire species poses survival hazards not faced by purely marine species: natural obstacles to their upstream spawning migration, such as landslides and log jams; man-made obstacles, such as hydro-electric and flood control dams; the diversion of water for irrigation or industrial use, which if it occurs during the period of downstream migration of the juvenile fish can lead millions of those "smolts" out of the main stream of the river into blind-end irrigation systems, thermal pollution, caused either by the use of river water for cooling industrial equipment or by the impoundment of river water behind dams, which tends to lower resistance to disease and favours populations of predators; silting of spawning gravel; oxygen deficits caused by sewage and other biodegradable wastes; etc.

All of these mortality factors can be overcome or prevented, but to do so involves a great deal of expense. This expense can take the form of direct outlays of money and manpower in the construction of fishways around natural or man-made obstructions, the physical clearing of land slides or log and brush jams and the construction and maintenance of fish hatcheries and artificial spawning channels for supplementing natural production when adverse conditions cannot be otherwise overcome.

Indirect expenses can be even more significant for they entail a purposeful decision to maintain the physical and chemical characteristics of the river necessary for continued salmon reproduction in the face of increasing demands for alternative uses of the rivers and watersheds. The decision to forgo other uses of freshwater in order to maintain salmon production is not an easy one in such areas as Siberia, western Canada, and Alaska where settlement and industrialization are in their early stages and local demands for using the river systems for commerce, for the generation of electric power, for waste disposal and for industrial purposes are not easy to overcome. Nevertheless, in many cases, these pressures have been resisted and healthy salmon runs have been maintained or rebuilt.

The people and the Governments of the countries which support Pacific salmon runs have often chosen to bear these expenses—whether direct or indirect—even when the annual costs exceeded the annual monetary return from the salmon harvest primarily because the long-term economic and social benefits promised to at least balance these outlays. In other words, the host States involved have invested heavily—and will have to continue investing—to not only maintain a viable commercial resource but, indeed, to assure the very survival of these species. Obviously, few Governments or their constituents could justify this continued expense unless they had some assurance of the imposition of limitations on ocean harvesting necessary to ensure that the measures they undertake in internal waters are not rendered ineffective.

#### *Management considerations*

This, then, brings us to the question of the times and places to which ocean harvesting should be limited. In the case of Pacific salmon there are two



characteristics of the fishes which argue for strict limitation on the time and location of the ocean harvest. First, after many years of co-operative international investigations on the high seas, it has been determined that during much of their life at sea salmon stocks from various host countries intermingle in wide areas of the North Pacific Ocean. Therefore, over most of this broad expanse it would be virtually impossible to conduct a fishery for only those stocks which originated in any particular country. Furthermore, each stock of salmon—i.e., those fish from a particular lake or tributary—represent a unique genetic pool from which the maximum production will be achieved only if it is managed in accordance with its individual and annual requirements for optimum escapement of spawners. On the high seas, even relatively close to the mouths of the spawning rivers, the various racial stocks are intermingled and, therefore, cannot be managed optimally. This problem can be illustrated by considering two hypothetical but typical stocks of the same species of salmon which originate in geographically close but hydrologically and limnologically different rivers. These stocks would have, in the course of their evolution, developed a genetic pool which best allows them to cope with the particular conditions of their natal streams. In a given year, the population from one stream may be very healthy and capable of supporting a large harvest while fish from the adjacent river, because of some natural phenomenon such as low water levels during the egg incubation period which resulted in the freezing of a high proportion of those eggs, may be in such low abundance when the mature fish return to the streams as to require virtually the entire run to escape to the spawning area if that parent-progeny cycle is to be restored to maximum production. Therefore, management criteria for each of those hypothetical populations are quite different—one is healthy and, for both biological and economic reasons, should be harvested—the other is weak and most returning fish should be allowed to spawn. However, these two stocks may be intermingled throughout most of their oceanic migration and should they be subjected to a high seas fishery it would be virtually impossible to crop only fish from the healthy stock. The likely result of such a fishery would be an underexploitation of the healthy stock and an overexploitation, perhaps even extinction, of the stock which that year had no surplus available for harvest. Therefore, conservation can be fulfilled and management achieved only if these runs are harvested well inshore after they have segregated themselves into the appropriate stock units upon which individual management decisions can be applied.

The second characteristic is the relation between the rates of growth and natural mortality which leads to the conclusion that the greatest yield can be achieved by harvesting the salmon just before it re-enters fresh water. The growth of individual fish while they are still in the freshwater phase of their life is relatively slow; even those fish which spend up to three years in fresh water rarely attain weights of more than 300 grammes before they migrate to the sea. Following their adaptation to the marine environment, however, growth is rapid—often startlingly so—right up until the time that feeding ceases shortly before their entry into fresh water. In some cases, the weight of an individual salmon can double, sometimes triple and even occasionally quadruple during its last few months in the ocean. On the other hand, while death due to natural causes is quite high during the freshwater phase of their life, and during the very early portion of the marine existence, as the fish grow and move beyond the inshore areas which tend to be higher in predators natural mortality decreases substantially. Scientific evidence indicates that during most of its marine life, and certainly during the last few months of its life in the ocean, the total increase in a salmon stock due to the growth of its individuals exceeds the total loss to the stock caused by natural mortality factors. Therefore, in the absence of high seas fishing during this period, the net change in the population is an increase in total biomass and, in turn, an increase in potential yield.

Bearing in mind these two considerations—the need for independent management of individual genetic units which are intermingled during most of their marine existence and the net increase in biomass during at least the latter part of the marine existence—a high seas fishery for salmon is unsound both in terms of the economics of the fisheries and the biology of the animals.

#### *Relation to other high seas fishes*

Finally, one might argue that the maintenance of high populations of salmon for the exclusive use of the host State might reduce, through competition or

predation, the available stocks of other fish of the high seas which are being sought by other nations. However, scientific investigations of the feeding habits and the distribution of Pacific salmon during their marine phase indicate that, first, salmon are predominantly found in the epipelagic (i.e., uppermost) zone of the open ocean where they are rarely in geographic or biological association with any other commercially sought species. Secondly, the common food items found in the stomachs of these salmon are predominantly zooplankton and occasionally small midwater fishes, such as lantern fish, neither of which is the subject of commercial exploitation. The only time that predation or competition by salmon would have any significant effect on other desirable species is when the salmon are close to their host country—well in over the continental shelf—at which time they often do feed on such fishes as herring and anchovies. In this case, however, the effects of competition or predation are a problem for the host country in weighing the pros and cons of maintaining their salmon populations at a high level.

#### PART II. SPECIAL CONSIDERATIONS REGARDING THE MANAGEMENT OF HIGHLY MIGRATORY OCEANIC FISHES

A relatively small but important portion of the world marine fishery production comes from species which are characterized by extremely broad distributional ranges and large-scale, often trans-oceanic, migrations. A prime example of this type of resource is the tunas.

##### *Distribution and life history*

All of the commercially valuable tuna species are characterized by very extensive ranges of their populations, long migrations and high mobility. Their reproduction is not concentrated in space or time but occurs over long seasons and great expanses of the sea, as evidenced by collections of their eggs and larvae. The principal species of tuna occur around the entire world over a wide range of latitudes, and individual populations of these species also have very broad ranges.

Recent publications by FAO, based on a variety of tagging experiments, illustrate that:

In a single year, albacore tuna migrate from off the east coast of Japan to the west coast of North America;

Northern bluefin tuna move from the East Coast of the United States to north-western Europe, the Bay of Biscay, and off Brazil;

Bigeye tuna migrate from the central Pacific to the far-western Pacific;

Southern bluefin tuna are all members of the same population which has a circumpolar distribution throughout the south Atlantic, Pacific and Indian Oceans; and

Skipjack tuna migrate from the extreme eastern Pacific, where they are only seasonal visitors, to mid-Pacific waters.

Morphological study of yellowfin tuna in the Pacific Ocean has indicated that there are likely to be a number of more or less discrete populations distributed across the tropical zone from Asia to the Americas, probably mingling to an unknown degree where their ranges overlap. The number of such populations and the extent of the area which each occupies are not known with certainty. It is known, however, that in the eastern tropical Pacific the yellowfin from northern Chile to southern California and more than 1,000 miles to seaward react as a single stock to fishing pressure and conservation measures.

Within these enormous areas, the tuna populations move rapidly in response to ecological influences and physiological needs which are as yet little understood. The tunas are fast swimmers, and they are never at rest. It appears that constant motion is a requisite for maintaining a flow of water over the gills, for enabling them to maintain their depth in the water column, and for seeking their food, which consists of a great variety of organisms sparsely scattered through relatively barren oceanic waters. Because of this great mobility throughout the broad areas which they inhabit, the availability of tunas to capture within a given fishing ground is highly variable and largely unpredictable with our present knowledge.

The tunas also grow rapidly, with the result that only a few year-classes are available to fishing at any one time by any given fishing technique. The fecundity of the tunas is high, with large individuals spawning more than a million eggs at a time. However, fertilization is external, and the eggs and larvae receive no

parental care, so that the natural mortality in these early stages is undoubtedly great. The young tuna are preyed upon by other fishes, such as larger tuna and billfishes, and the proportion which survive to reach maturity is very small.

The biological characteristics which have been briefly described above have certain implications for the exploitation and scientific study of the tuna resources and for the conservation of the tuna fisheries. Those implications are discussed under the appropriate headings below.

#### *Exploitation*

Since the tuna populations inhabit large areas of the open ocean, within which they move extensively, rapidly and to a high degree unpredictably, they can be most successfully fished by vessels which also have long-range, high speed and the ability to operate in open ocean conditions. Smaller vessels of limited operating range must in effect wait for the tuna to come to them, rather than pursuing the schools wherever they may go. Experience has shown that even in the best localized tuna grounds the availability of fish can vary greatly from year to year, even though the abundance of the total tuna population throughout its range may remain at about the same level. For example, in the eastern Pacific there are excellent tuna fishing grounds within a few miles of the coasts of Ecuador and Peru, but there are times when the tuna do not put in an appearance in those areas in good abundance for a whole year or two. At such times, the small-boat fleets are unprofitable while the large vessels of the countries with distant-water tuna fleets may be enjoying excellent fishing in other parts of the region inhabited by the same tuna stocks. Indeed, because the tunas are found in all oceans, it is an efficient strategy in some cases for the operators of large modern tuna-boats to have them fish in different oceans at different times of the year. Thus, we find that many of the most efficient tuna seiners, which have their basic fishing grounds in the eastern Pacific, are now spending several months of each year on the grounds of the eastern Atlantic, while conversely seiners which have traditionally fished in the Atlantic area increasingly spending part of the year on the eastern Pacific grounds.

Tuna longline fishing vessels have particularly great mobility and flexibility of operation, and may fish in the Pacific, Indian and Atlantic Oceans in the course of a year, depending on where the availability of their target species is highest at any given time. Even within the duration of a single voyage, an efficient modern tuna-boat may operate at locations separated by hundreds if not thousands of miles. Since all modern tuna fishing vessels freeze their catches aboard, their product is imperishable and easily transportable. This means that they may base their operations in any port where there are cold-storage facilities and refrigerated cargo ship service for transporting the frozen tuna to processing centres. Many ports around the world are now used for trans-shipment of tuna, and the major tuna canners receive raw material from a great variety of sources in addition to the domestic landings of their national fleets. The United States tuna canning industry, for example, derives more than half of its raw material from imports, which are made up of the catches of vessels of many nationalities, including US flag vessels which trans-ship their catches through foreign ports.

There are three principal techniques used for catching tuna—pole-and-line fishing using live bait, longlining and purse seining. These methods differ in the degree of their independence from the coast and their ability to freely follow the movements of the tuna through the waters of the open ocean. The pole-and-line fishermen are the most closely bound to coastal waters, since that is where they must catch their supplies of live-bait. However, where this kind of tuna fishing is well developed, as particularly in the western Pacific, the fishermen have developed equipment and techniques which enable them to carry adequate supplies of live-bait to fishing grounds far offshore. Purse seining, although not directly dependent on coastal logistic support as is live-bait fishing, has until recently been carried on in areas relatively close to coasts, and particularly off the coast of the eastern tropical Pacific, because sea conditions in those areas have been most suitable for the use of these large encircling nets to capture the tuna. In recent years there has been a strong expansion of purse seine fishing offshore in the eastern Pacific, with considerable and increasing catches being taken as much as 1,000 miles from the coast. Longline fishing, which catches tuna on hooks baited with small frozen fish and suspended from buoyed lines, is the most truly pelagic and independent of the major tuna fishing methods. It is carried on in all parts of the open sea where oceano-

graphic conditions are propitious for the occurrence of tuna, and it accounts for more than half of the total world tuna catch.

Thus it is apparent that the most effective techniques and strategies for exploiting the tunas must be those which most closely approximate the range and mobility of the tunas themselves, and there is evidence that where tuna fishermen are not prevented from doing so by artificial constraints they strive to become as fully pelagic as the fish which they pursue.

It is quite clear that countries with relatively short coastlines will have very little hope of establishing prosperous fisheries for tunas if their fishermen cannot follow these widely ranging species into exclusive 200-mile zones off the coasts of other countries. It may be argued that there is nothing about a 200-mile zone which prevents neighbouring coastal States in a region from agreeing upon a régime which will permit their fishermen to move back and forth from one nation's zone to another. In theory it may appear to be a sound argument, but the practice of the 200-mile zone doctrine—as opposed to its theory—has not been such as to lead one to find much comfort in that argument.

When such artificial constraints are imposed on the freedom of movement of tuna vessels, efficiency drops, catches are reduced, the supply available to mankind is diminished, and what supply there is, is available at a higher cost—a higher cost not only to the consumer, but to the world as a whole.

#### *Research*

Effective and rational conservation of tuna resources, as of other kinds of fishery resources, requires a knowledge of the biology, population structure and abundance of the tuna species which can only be gained through scientific research. Because the tunas spend their entire lives roaming freely in the open ocean, they are only sporadically accessible to direct observation, and the task of obtaining the required scientific information is extremely difficult and costly to accomplish. Large research vessels are needed to do the scientific work, which must cover great areas over long time periods. Experience to date indicates that even the most affluent countries with the greatest interest in the tuna resources have not been able individually to support a research effort adequate to the task. Even the co-operative research programmes supported by a number of interested Governments, like that of the Inter-American Tropical Tuna Commission in the eastern Pacific, have not received financial support that would make it possible to provide a base of scientific information as solid as it should be for making management decisions affecting a multi-million-dollar industry. It seems clear that tuna research approaching adequacy can never be achieved except through broad and intensive international co-operative programmes, which must of course extend into all of the waters inhabited by the tuna stocks under investigation if they are to produce useful results. If, for example, a country exercises jurisdiction over an area of the sea which includes part of the range of a tuna population, and that country is unable to do an adequate job of research on the tuna within that area and unwilling to allow research vessels of other countries to do it, the unfortunate result can only be a gap in the scientific knowledge concerning that stock of tuna. Likewise, since all important tuna resources are exploited by fishermen of more than one country, and since fishery data, such as catch and effort statistics, are an indispensable element in research for fishery management purposes, intergovernmental co-operation is essential for making such data compatible and placing the total body of data at the disposal of competent scientists for analysis. One of the most important research problems for conservation purposes is that of defining the real limits of the various tuna populations. The solution of this problem is commonly sought by the release and recapture of tagged fish, which requires extensive research vessel operations and is very expensive, or by the collection of samples over broad areas and their analysis for morphological and biochemical differences, which require international co-operation for the collection and capabilities found is only a few laboratories for the analysis.

#### *Conservation*

Like the research upon which they should be based, conservation measures must also be applied by international co-operation in order to be effective. The things that man can do to conserve tuna resources are limited by the nature of the animals and their ecology. Man can do nothing to actively foster the propagation of the tunas nor can he feasibly control their natural predators. Their open ocean habitat is beyond his power to influence, and even the grossest man-

made pollution probably has little effect upon these species. The conservation measures which are in use at the present time are of two kinds: a limitation of the total catch from a given stock in order to maintain it at a high level of productivity, and a minimum size limit of capture in order to maximize the return from each fish recruited into the fishable stock. These measures will be most effective only if they are applied uniformly to all fishing within the total area where the given stock is exploited. If the jurisdictional basis for management of these species did not coincide with their distribution the potential for mismanagement would be great. We might consider the not really hypothetical case of a tuna population which inhabits an area extending into waters over which several nations assert jurisdiction and also into far offshore areas beyond any national jurisdiction. If each of the coastal States were to set independently a catch quota for the waters where it exercises jurisdiction over fishing, and another separate quota were to be established by some other mechanism for the area beyond national jurisdiction, or if various minimum size limits were set for these various subdivisions of the tuna stock's range, the result in terms of conservation could hardly be very rational or effective. If the sum total of the separate catch quotas happened to be less than the maximum sustainable yield of the stock, conservation would certainly be effected, but there would also be a serious risk of wastage of the potential harvest because of the great variability with which tuna become available to fishing in various parts of their range from year to year. For example, a 50,000-ton quota in one subdivision of the range would be meaningless in years when only 25,000 tons become available to capture there, and it would be economically pernicious in years when the same area offers the possibility of catching 75,000 tons out of a total permissible yield from the stock of 150,000 tons. If, on the other hand, the sum total of the separate quotas happened to exceed the maximum sustainable yield of the stock, overfishing would occur.

The result would be similar if, alternatively, an over-all quota were established for a stock which is distributed in several national jurisdictions and in an area not under the jurisdiction of any State and that quota were sub-allocated geographically among the areas of national jurisdiction and the area not under national jurisdiction. While it is true that the over-all limit would likely not be exceeded, the great risk would be that catches would fall substantially below that allowed with the economic results noted above. It seems obvious that the only rational way to apply a catch quota system for conservation of a tuna population is in the form of one single co-ordinated quota for the whole area inhabited by the population. Since the populations do occur in several national jurisdictions and also beyond and they are fished by nationals of several countries, the application of such a co-ordinated quota requires international management of the fishery for conservation purposes.

TABLE I.—DATA ON SEIZURES OF U.S. FLAG TUNA CLIPPERS DURING PERIOD JANUARY 1961–DECEMBER 1973

The following information is based upon the business records maintained by the American Tunaboat Association, One Tuna Lane, San Diego, California, 92101. This compilation does not include harassment actions, that is, where the tuna clipper is shot at by aircraft or by guns aboard a warship, or is boarded but not arrested or detained. This listing is restricted to those occasions where a vessel is intercepted, boarded, arrested, detained, and then released by an official of the arresting government. During the period January 1951 through 1960, the A.T.A. has information relating to 42 incidents that occurred to U.S. flag tuna vessels. However, it has been felt that such information is inadequate for the requirements established for this Table.

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STATISTICAL SUMMARY

By year	Total number of seizures	Total estimated fishing days lost from seizures	Total fines paid for release of vessel beginning 1971, includes licenses and matriculas	Total licenses and matriculas paid for release of vessels	Total other costs beginning 1971, includes port charges and lost fishing time	Grand total
1961	1	4	\$2,500.00	0	\$714.85	\$3,214.85
1962	10	75	17,427.30	153,180.00	1,240.30	22,848.20
1963	11	59	20,688.00	18,350.70	1,157.00	29,195.70
1964	2	2	0	0	0	0
1965	10	51	19,312.00	128,942.20	11,517.86	49,772.06
1966	14	54	80,536.00	12,900.00	15,099.68	88,575.68
1967	16	63	132,568.00	135,838.20	8,443.60	154,109.80
1968	10	35	288,960.00	140,001.00	16,287.50	335,248.50
1969	14	26	67,578.00	126,514.00	1,976.33	95,968.33
1970	4	6	154,252.00	0	15,900.00	160,152.00
1971	53	64	2,504,109.00	NA	1,383,268.00	2,887,377.00
1972	30	71	1,707,202.00	NA	1,300,218.00	2,007,420.00
1973	28	77	1,065,004.00	NA	1,229,515.00	1,294,519.00
Total	203	586	6,093,336.90	151,786.10	953,278.12	7,198,401.12

1 Estimated.

LISTING OF SEIZURES OF U.S. TUNA CLIPPERS 1961-68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY, AND GENERAL REMARKS

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country	Costs	Date claim filed, acknowledged, certified, paid	General remarks
Shamrock	253 836	Mar. 21, 1961	Mar. 24, 1961	4	Panama:	\$2,500.00 None None 714.85	Filed..... May 29, 1961 Acknowledged..... Certified..... July 10, 1961 Paid..... NA	Vessel at anchor repairing anchor, 9.25 miles (98°) true, Isla Pelado, at 08°33.4' latitude, (north), 78°51.5' west longitude. Name of foreign vessel unavailable.
					Total.....	3,214.85		
San Joaquin	270 154	Feb. 12, 1962	Feb. 24, 1962	13	Colombia:	2,277.90 None None 40.30	Filed..... May 8, 1962 Acknowledged..... May 21, 1962 Certified..... Jan. 7, 1963 Paid..... June 3, 1963	Vessel in set, net in water, seized by warship "Arc Gorgona," 7.9 miles southwest point San Francisco Solano, at 06°03' north latitude 77°32'30" west longitude.
					Total.....	2,318.20		
Western Ace	263 848	Mar. 28, 1962	Mar. 31, 1962	4	Ecuador:	None 4,830.00 350.00 NA		Near Mantla, Ecuador, vessel seized while fishing. Name of seizing vessel not available, exact position of seizure not available.
					Total.....	5,180.00		
Lou Jean	249 580	Apr. 28, 1962	May 3, 1962	6	El Salvador:	None None None 200.00		Traveling homeward, seized by warship G.D.-2 about 15 miles off Rio Tempa River, at 12°58' north latitude, 88°50' west longitude.
					Total.....			
White Star	249 335	Aug. 3, 1962	Sept. 10, 1962	35	Ecuador:	None None NA NA		Vessel traveling when seized. Name of seizing vessel unavailable, exact position of seizure unavailable.
					Total.....			
Larry Roe	278 930	Aug. 24, 1962	Aug. 24, 1962	1	Ecuador:	None None None NA		Vessel fishing when seized by Ecuadorian warship, off Galapagos Islands. Name of seizing vessel not available, exact position of seizure not available.
					Total.....			

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## LISTING OF SEIZURES OF U.S. TUNA CLIPPERS 1961-68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY, AND GENERAL REMARKS—Continued

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country	Costs	Date claim filed, acknowledged, certified, paid	General remarks
Evelyn R.	230 063	Sept. 10, 1962	Sept. 13, 1962	4	Ecuador: Fine..... License..... Matricula..... Other.....	None None None NA	..... ..... ..... .....	Vessel entered port and was then seized. No seizing vessel. Location was Galapagos Islands.
Western Ace	263 848	Oct. 28, 1962	Nov. 1, 1962	5	Peru: Fine..... License..... Matricula..... Other.....	5,000.00 None None NA	Filed..... Acknowledged..... Certified..... Paid.....	Vessel fish when boarded by armed soldiers from Peruvian warship, "Angel," about 11 miles off Peru, at 03° 30' south latitude, 81° 08' west longitude.
Chicken of the Sea	248 779	-----do-----	-----do-----	5	Peru: Fine..... License..... Matricula..... Other.....	10,000.00 NA NA NA	Filed..... Acknowledged..... Certified..... Paid.....	Vessel fishing when seized and boarded by Peruvian warship, "Angel," about 11 miles off coast of Peru, at 03° 30' south latitude, 81° 08' west longitude.
Elanora	271 940	Nov. 18, 1962	Nov. 18, 1962	1	Ecuador: Fine..... License..... Matricula..... Other.....	None None None None	..... ..... ..... .....	Vessel fishing north of Cape Berkeley, San Isabella (Galapagos Islands). Name of seizing vessel not available.
Larry Roe	278 930	Nov. 1962	Nov. 1962	1	Ecuador: Fine..... License..... Matricula..... Other.....	150.00 None None None	..... ..... ..... .....	Vessel fishing when seized by Ecuadorian warship off Wreck Bay, San Cristobal, Galapagos Islands
San Juan	288 819	May 22, 1963	May 22, 1963	1	Ecuador: Fine..... License..... Matricula..... Other.....	None None None None	..... ..... ..... .....	Vessel fishing when seized by Ecuadorian warship about 8 miles off Manta, at 00° 24' south latitude, 88° 33' west longitude, ship's document converted.
Ranger	253 538	May 25, 1963	June 11, 1963	18	Ecuador: Fine..... License..... Matricula..... Other.....	9,504.00 2,232.20 350.00 78.50	..... ..... ..... .....	Vessel fishing when seized by Ecuadorian warship, "O.O.-2," Jambel: D.O.1, 13 miles, 260° true, Cojimes Island, at 00° 22' north latitude, 80° 17' west longitude.
Total						12,164.70	.....	



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Vessel Name	249 335	June 13, 1963	June 18, 1963	18 Ecuador:	11, 184.00	Vessel traveling when seized by Ecuadorian war ship, "D.O.-2, Jambel; D.O.1", 13 miles, 260-true, Cofimes Island, 00°22' north latitude, 80-17' west longitude.
White Star	249 335	June 13, 1963	June 18, 1963	18 Ecuador:	11, 184.00	Vessel traveling when seized by Ecuadorian war ship, "D.O.-2, Jambel; D.O.1", 13 miles, 260-true, Cofimes Island, 00°22' north latitude, 80-17' west longitude.
				Fine	2, 652.30	
				License	350.00	
				Matricula	78.50	
				Other		
				Total	14, 264.80	
Espirito Santo	248 755	June 13, 1963	June 18, 1963	4 Ecuador:	None	Vessel entered port to buy license, at Salinas, Ecuador when seized by Ecuadorian warship, name not available.
				Fine	2, 416.00	
				License	350.00	
				Matricula		
				Other		
				Total	2, 766.00	
Ranger	253 538	June 29, 1963	June 29, 1963	1/2 Ecuador:	None	Seized in error about 50 miles off coast of Ecuador. Name of seizing vessel not available.
				Fine	None	
				License	None	
				Matricula	None	
				Other	None	
Ruthie B	252 612	June 1963	June 1963	1 PERU:	None	Seized by Peruvian warship, 27 miles off coast of Peru, seizure in error. Exact position not available.
				Fine	None	
				License	None	
				Matricula	None	
				Other	None	
Freedom	262 968	do	do	1 PERU:	None	Vessel traveling about 27 miles off coast of Peru when seized by Peruvian warship, exact position unavailable.
				Fine	None	
				License	None	
				Matricula	None	
				Other	None	
Ruthie B	252 612	Aug. 19, 1963	Aug. 19, 1963	1 PERU:	None	Vessel traveling about 38 miles off coast of Peru when seized by Peruvian warship. Exact position unavailable.
				Fine	None	
				License	None	
				Matricula	None	
				Other	None	
Intrepid	254 237	do	do	1 PERU:	None	Vessel traveling 38 miles off coast of Peru, seized by Peruvian warship. Exact position not available.
				Fine	None	
				License	None	
				Matricula	None	
				Other	None	
Western Sky	241 122	Dec. 20, 1963	Dec. 30, 1963	11 Ecuador:	None	Seized at Wreck Bay, San Cristobal, Galapagos Islands, by Ecuadorian warship. Seizure in error.
				Fine	None	
				License	None	
				Matricula	None	
				Other	NA	
West Coast	249 363	Dec. 29, 1963	do	2 Ecuador:	None	Seized at Wreck Bay, San Cristobal, Galapagos Islands. Seizure in error.
				Fine	None	
				License	None	
				Matricula	None	
				Other	NA	

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## LISTING OF SEIZURES OF U.S. TUNA CLIPPERS 1961-68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY, AND GENERAL REMARKS—Continued

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country	Costs	Date claim filed, acknowledged, certified, paid	General remarks
Santa Anita	258 646	Feb. 4, 1964	Feb. 4, 1964	1	Ecuador:	None		Vessel entered port in Galapagos Islands seeking aid for injured seaman. Vessel seized upon entry into port.
					Fine	None		
					License	None		
					Matricula	None		
					Other	None		
Agnes C.	252 870	Dec. 5, 1964	Dec. 5, 1964	1	Ecuador:	None		Vessel on anchor, Galapagos Islands. Name of seizing vessel not available, exact position of seizure not available.
					Fine	None		
					License	None		
					Matricula	None		
					Other	None		
Nautilus	285 304	Feb. 17, 1965	Feb. 17, 1965	1	Peru:	None		Entered Port of Talara, Peru, seeking aid for hurt man. Vessel seized upon entering port.
					Fine	None		
					License	4,734.00		
					Matricula	350.00		
					Other	NA		
					Total	5,084.00		
Western King	273 287	do	do	1	Peru:	None		Vessel entered Port of Talara, Peru for provisions and was taken under seizure.
					Fine	None		
					License	4,278.00		
					Matricula	350.00		
					Other	NA		
					Total	4,628.00		
Clipperton	285 518	June 4, 1965	June 14, 1965	11	Peru:	7,128.00	Filed July 29, 1965	Vessel entered Port of Chimbote, Peru to perform emergency repairs and was taken under seizure.
					Fine	3,214.00	Aug. 4, 1965	
					License	350.00	Sept. 27, 1965	
					Matricula	1,517.86	Nov. 24, 1965	
					Other			
					Total	12,209.86		
Do	285 518	June 16, 1965	June 16, 1965	1/2	Peru:	None		Seized about 60 miles off coast of Peru by Peruvian warship, "B.A.F. Calvez #63," at 0900G, south latitude and 80°00' west longitude. Seizure in error.
					Fine	None		
					License	None		
					Matricula	None		
					Other	None		

Ship Name	Number	Date	Country	Seizure Details	Disposition	Remarks
Sun Jason	251 946	June 4, 1965	Peru	Fine License Matricula Other	None 1,976.00 None NA	Vessel centered Port of Talara, Peru to seek aid for ill fisherman and was taken under seizure.
San Juan	289 819	June 11, 1965	Peru	Fine License Matricula Other	None 5,538.00 350.00 NA	Vessel fishing seized about 44 miles off Huanacape Island, at 9°05' south latitude, 79°36' west longitude, by Peruvian warship, "B.A.F. Calvez #68."
				Total	5,888.00	
Hornet	289 761	June 13, 1965	Peru	Fine License Matricula Other	None 4,686.00 350.00 NA	Vessel traveling about 95 miles off coast of Peru, at 09°37' south latitude 80°11' west longitude, by Peruvian warship "B.A.F. Calvez #68."
Concho	270 585	July 29, 1965	Ecuador	Total Fine License Matricula Other	5,036.00 None None None None	Seized in error near Salinas, Ecuador. Name of seizing vessel not available. Exact position not available.
White Star	249 716	Oct. 5, 1965	Ecuador	Fine License Matricula Other	11,184.00 2,416.20 350.00 NA	Drifting, working on engine near Salinas. Ecuador about 17 miles from shore, at 02°41' south latitude, 80°58' west longitude. Name of seizing vessel unavailable.
Mary Barbara	275 716	Dec. 30, 1965	Peru	Total Fine License Matricula Other	13,950.20 1,000.00 None None NA	Entered Port of Callao, Peru to obtain engine parts and was taken under seizure.
Day Island	288 260	Feb. 3, 1966	Columbia	Fine License Matricula Other	5,000.00 None None None	While traveling toward Panama, seized by Colombian warship, the "Almirante Padilla," 8.5 miles between Cape Marzo and Pta Cruces at 06°37'2" North latitude, 77°40'08" west longitude.
				Total	7,058.62	

LISTING OF SEIZURES OF U.S. TUNA CLIPPERS 1961-68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY, AND GENERAL REMARKS—Continued

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country	Costs	Date claim filed, acknowledged, certified, paid	General remarks
Sun Europa	247 979	Mar. 3, 1966	Mar. 4, 1966	2	Panama:	10,000.00	Filed..... Apr. 18, 1966 License..... Apr. 29, 1966 Matricula..... Mar. 2, 1967 Other..... June 6, 1967	Vessel in set with net in water boarded by armed soldiers aboard private yacht, about 5 1/2 miles from Pta Caracoles, at 07°36' north latitude 78°21' west longitude.
Mauritania	250 236	Apr. 29, 1966	Apr. 30, 1966	2	Peru:	None None None 340.49	Filed..... License..... Matricula..... Other.....	Vessel traveling, seized about 40 miles from Pta Picos, by Peruvian warship "B.A.F. Otez Conasco #69," at 03°13' south latitude, 81°25' west longitude.
Oay Island	288 260	May 12, 1966	May 14, 1966	3	Panama:	10,000.00 None None 588.36 Total..... 10,588.36	Filed..... Sept. 13, 1966 License..... Sept. 21, 1966 Matricula..... Mar. 2, 1967 Other..... June 5, 1967	Vessel traveling, seized by armed soldiers from aboard private yacht, about 23 miles from shore, at 07°42' north latitude 78°42' west longitude.
Do	288 260	May 23, 1966	May 24, 1966	2	Peru:	12,160.00 None None 805.41 Total..... 12,965.41	Filed..... Sept. 13, 1966 License..... Sept. 21, 1966 Matricula..... July 24, 1967 Other..... June 25, 1968	Just completed set, seized by Peruvian warship #25 about 17 miles from Pta Picos and Pta Sol at 03°44' south latitude, 81°06' west longitude.
San Juan	288 819	do	do	2	Peru:	11,775.00 None None NA Total..... 11,512.00	Filed..... Jan. 10, 1967 License..... Jan. 24, 1967 Matricula..... July 24, 1967 Other..... June 5, 1968	Fishing, seized by Peruvian warship #25 about 17 miles from Pta Picos and Pta Sol, at 03°44' south latitude, 81°06' west longitude.
Pilgrim	291 488	do	do	2	Peru:	11,512.00 None None NA Total..... 2,900.00	Filed..... July 18, 1966 License..... July 29, 1966 Matricula..... July 17, 1967 Other..... June 5, 1968	Do.
Chicken of the Sea	248 779	do	May 23, 1966	2	Peru:	2,900.00 2,900.00 None Total..... 5,800.00	Filed..... License..... Matricula..... Other..... Certified..... Jan. 15, 1969	Do.

City of Tacoma	295 035	June 14, 1966	June 15, 1966	2	Ecuador:	None	Seized in error by Ecuadorian warship, "B.A.E. Quito LC-71" near Salinas, Ecuador. Exact position not available.
					Fine	None	
					License	None	
					Matricula	None	
					Other	None	
Clipperton	285 518	do	do	2	Ecuador:	None	Seized in error by Ecuadorian warship, "B.A.E. Quito LC-71", near Salinas, Ecuador. Vessel released.
					Fine	None	
					License	None	
					Matricula	None	
					Other	None	
Ronnie S.	255 975	Oct. 2, 1966	Oct. 6, 1966	5	Peru:	7,384.00	Vessel looking for fish, seized by Peruvian warship "B.A.P. Santillan #22", 24 miles by radar bearing off shore. West 1/4 north of Zorritos Peru.
					Fine	None	
					License	None	
					Matricula	None	
					Other	593.65	
					Total	7,983.65	
Sun Europa	247 979	do	do	5	Peru:	None	Traveling, seized by Peruvian warship "B.A.P. Santillan #22", 28 miles radar bearing off shore, 150° true of Zorritos, Peru.
					Fine	None	
					License	None	
					Matricula	None	
					Other	None	
Eastern Pacific	500 099	Oct. 3, 1966	do	5	Peru:	9,904.00	Vessel drifting, seized at 5:30 A.M. by Peruvian warship, "B.A.P. Velarde #21", about 20 miles, by radar bearing, 306° magnetic, Pt. Picos, Peru.
					Fine	None	
					License	None	
					Matricula	None	
					Other	647.14	
					Total	10,551.14	
Shamrock	253 836	Oct. 10, 1966	Oct. 13, 1966	4	Mexico:	None	Vessel seized in error near Cedros Island. Released.
					Fine	None	
					License	None	
					Matricula	None	
					Other	None	
New Era	250 382	Jan. 7, 1967	Jan. 13, 1967	7	Ecuador:	7,200.00	Travel toward Peru, seized by Ecuadorian warship, "B.A.E. Cayambe", 35 miles 35° true from Cape Santa Elena, at 02° 40' south latitude, 81°21' west longitude.
					Fine	3,000.00	
					License	None	
					Matricula	NA	
					Other	None	
					Total	10,200.00	

## LISTING OF SEIZURES OF U.S. TUNA CLIPPERS 1961-68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY, AND GENERAL REMARKS—Continued

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country	Costs	Date claim filed, acknowledged, certified, paid	General remarks
Endeavor	258 022	do	do	7	Ecuador:			
					Fine	8,064.00	Filed Mar. 9, 1967	Traveling toward Peru, seized by Ecuadorian
					License	2,016.00	Acknowledged Mar. 20, 1967	warship "B.A.E. Cayambe," 51 miles from,
					Metricula	200.00	Certified Mar. 31, 1967	Cape Santa Elena, at 02°50' south latitude,
					Other	900.00	Paid June 6, 1967	81°45' west longitude.
					Total	11,180.00		
Victoria	249 539	do	do	7	Ecuador:			
					Fine	8,448.00	Filed Mar. 13, 1967	Traveling toward Peru, seized by Ecuadorian
					License	2,112.00	Acknowledged Mar. 20, 1967	warship "B.A.E. Cayambe," 50 miles from
					Metricula	200.00	Certified Mar. 31, 1967	Port of Salinas, 02°42' south latitude, 81°40'
					Other	1,000.00	Paid June 6, 1967	west longitude.
					Total	10,760.00		
Sea Proms	253 220	Jan. 20, 1967	Jan. 25, 1967	7	Ecuador:			
					Fine	12,528.00	Filed Mar. 22, 1967	Traveling toward Peru, seized by Ecuadorian
					License	3,138.20	Acknowledged Mar. 30, 1967	warship "B.A.E. Quito LC-71," about 60 miles
					Metricula	200.00	Certified Apr. 10, 1967	west of Santa Clara Island at 02°42' south
					Other	206.08	Paid June 6, 1967	latitude, 81°40' west longitude.
					Total	16,072.28		
Caribbean	291 814	Jan. 26, 1967	Jan. 28, 1967	3	Peru:			
					Fine	10,888.00	Filed Mar. 30, 1967	Drifting at night, seized by Peruvian warship
					License	None	Acknowledged Apr. 21, 1967	#24, about 15 miles from Pta Picos, Peru, a
					Metricula	None	Certified Aug. 1, 1967	03° south latitude, 81° west longitude.
					Other	664.67		
					Total	11,552.67		
Hornet	289 761	do	do	3	Peru:			
					Fine	10,072.00	Filed Mar. 30, 1967	Traveling, seized at 2220 hours by Ecuadorian
					License	None	Acknowledged Apr. 21, 1967	warship "B.A.P. Velarde #21," about 24 miles
					Metricula	None	Certified Aug. 1, 1967	from Pta Picos, Peru, at 03°27' south lati-
					Other	637.56		tude 81°02' west longitude.
					Total	10,709.56		

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## LISTING OF SEIZURES OF U.S. TUNA CLIPPERS 1961-68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY, AND GENERAL REMARKS—Continued

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country	Costs certified, paid	Date claim filed, acknowledged, certified, paid	General remarks
Day Island	288 260	Aug. 3, 1967	Aug. 4, 1967	1 1/2	Ecuador:	None		Seized in error by "B.A.E. Esmeraldas" 10 1/2 miles south southeast of Isla La Plata, at 01°26' south latitude, 80°58' west longitude, released.
					Fine	None		
					License	None		
					Metricula	None		
					Other	None		
American Queen	250 201	do	do	1	Ecuador:	None		Seized in error by "B.A.E. Esmeraldas" (Ecuador) 9 miles off Isla Salango, Ecuador, released. Exact position not available.
					Fine	None		
					License	None		
					Metricula	None		
					Other	None		
Puritan	286 673	Oct. 20, 1967	Oct. 22, 1967	3	Ecuador:	None		At 0500 hours fired upon, seized and boarded by armed soldiers from warship (Ecuador) "Orion" 11 1/2 miles off coast of Ecuador, at 03°15' south latitude, 81°39' west longitude.
					Fine	15,850.00		
					License	350.00		
					Metricula	1,400.00		
					Other			
					Total	17,550.00		
Navigator	250 182	Mar. 2, 1968	Mar. 4, 1968	3	Ecuador:	None	Filed May 21, 1968	At about 2050 hours, Mar. 2, 1968, an Ecuadorian warship, the "Esmeraldas," "E-2," seized the "Navigator," 23 miles west of Cabo de San Francisco, Ecuador. "Navigator," held at sea until about 1625 Mar. 4, 1968, a license was bought (\$5,982.50) by masters wife, and fact confirmed by Quito.
					Fine	None	Acknowledged May 21, 1968	
					License	6,545.00	Certified (3)	
					Metricula	350.00		
					Other	87.50		
					Total	6,982.50		
City of Tacoma	295 035	Mar. 13, 1968	Mar. 14, 1968		Peru:	None		About 0915, Peruvian time, a Peruvian warship, No. 22, seized the "City of Tacoma" at 03°30' south latitude, 81°24' west longitude. "City of Tacoma" forced to chase Ecuadorian tuna vessel, "Venus" by Ecuadorian boarding party who fired upon "Venus," which also was seized.
					Fine	None		
					License	5,228.00		
					Metricula	350.00		
					Total	5,576.00		
Paramount	250 688	Mar. 20, 1968	Mar. 23, 1968	4	Ecuador:	None		About 5:30 a.m., Ecuadorian warship, "Esmeraldas," E-2, seized the "Paramount" at 1°40' south latitude, 81°40' west longitude, 46 miles off coast.
					Fine	21,700.00		
					License	5,425.00		
					Metricula	350.00		
					Other	2,600.00		
					Total	30,075.00		



Western King	273-287	Apr. 4, 1968	Apr. 5, 1968	2	Peru:	Fine License Matricula	None 5,130.00 350.00	At 4 p.m., "Western King" was seized by Peruvian warship, at 3°35' south latitude, 80°57' west longitude. Approximately 15 miles off coast, while drifting.
						Total	5,480.00	
Royal Pacific	286-263	Aug. 8, 1968	Aug. 11, 1968	4	Ecuador:	Fine Other	34,530.00 750.00	0930 EST, 8 August 1968, "Royal Pacific" seized by Ecuadorian warship, "25 de Julio" at 0°34' south latitude, 80°52' west longitude, (21 miles off coast of Ecuador).
						Total	35,330.00	
Connie Jean	503-055	do	do	4	Ecuador:	Fine Other	52,640.00 750.00	1114 EST, 8 August 1968, "Connie Jean" seized by Ecuadorian warship, "Presidente Alfaro" at 0°23' south latitude, 80°55' west longitude, (25 miles off Ecuadorian coast).
						Total	53,390.00	
Eastern Pacific	500-039	do	Aug. 12, 1968	5	Ecuador:	Fine Other	51,940.00 750.00	1120 EST, 8 August 1968, "Eastern Pacific" seized by Ecuadorian warship, "25 de Julio" at 0°36' south latitude, 80°58' west longitude, (21 miles off Ecuadorian coast).
						Total	52,690.00	
Pacific Queen	512-151	do	Aug. 11, 1968		Ecuador:	Fine Other	63,000.00 750.00	1130 EST 8 August 1968, "Pacific Queen" was seized by Ecuadorian warship, "Presidente Alfaro" at 0°23' south latitude, 80°56' west longitude, (23 miles off Ecuadorian coast).
						Total	63,750.00	
Ecuador	263-017	Sept. 18, 1968	Sept. 18, 1968	1	Peru:	Fine	None	0630 EST 19 September 1968, "Ecuador" was seized by Ecuadorian warship, "Santillan #2," at 03°18' south latitude, 81°03' west longitude. Forced into Port of Talara, papers examined found in order, "Ecuador" released.
						Total	None	
Day Island	288-260	Dec. 10, 1968	Dec. 15, 1968	6	Ecuador:	Fine License Other	65,100.00 16,275.00 600.00	0640 EST 10 December 1968, "Day Island" seized by Ecuadorian warship, "Bae Esmeraldas", at 00°00' south latitude, 80°38' west longitude, (19 miles off coast of Ecuador).
						Total	81,975.00	

1 Claim denied.

2 Denied.

LISTING OF SEIZURES OF U.S. TUNA CLIPPERS 1961-68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY, AND GENERAL REMARKS—Continued

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country	Costs	Date claim filed, acknowledged, certified, paid	General remarks
Mariner	255 345	Feb. 14, 1969	Feb. 14, 1969	1	Peru:			February 14, 1969, Peruvian warship No. 23 damaged hull, demolished speedboat. Same warship shot up "San Juan". Location of seizure 29.5 miles off coast. "San Juan" first shot at about 60 miles off coast.
					Fine	\$7,216.00	Filed	
					License	3,108.00	Acknowledged	
					Matricula	500.00	Certified	
					Other	405.38	Paid	
					Total	11,229.38		
San Juan	289 819	Mar. 19, 1969	Mar. 19, 1969	1	Peru:			March 19, 1969, about 0550 hours Peruvian time, Peruvian patrol vessel No. 22 seized the "San Juan", 23 miles northwest of Punta Sal, Peru (Gulf of Guayaquil). Forced into Talara, Peru. Upon payment of fine and costs, vessel was released.
					Fine	11,776.00	Filed	
					License	5,888.00	Acknowledged	
					Matricula	500.00	Certified	
					Other	396.98	Paid	
					Total	18,560.98		
Cape Ann	249 520	do	do	1	Peru:			March 19, 1969, Peruvian warship No. 22 seized the "Cape Ann", approximately 23 miles northwest of Punta Sal, Peru (Gulf of Guayaquil). Forced into Talara, Peru. Released upon payment of fine and costs.
					Fine	5,488.00	Filed	
					License	2,744.00	Acknowledged	
					Matricula	500.00	Certified	
					Other	74.31	Paid	
					Total	8,806.31		
Western King	273 287	May 16, 1969	May 16, 1969	1	Peru:			(Location of seizure—0.323° south latitude, 80°56' west longitude.)
					Fine	10,048.00	Filed	
					License	4,524.00	Acknowledged	
					Matricula	500.00	Certified	
					Other	1,099.66	Paid	
					Total	16,171.66		
Alphacca	255 005	June 18, 1969	June 18, 1969	1 1/2	Ecuador:			Stopped and seized by Ecuadorian gunboat #71 about 6 to 7 miles off shore. "Alphacca" headed into port to check license.
					Fine	None	Filed	
					License	None	Acknowledged	
					Matricula	None		
					Other	None		

Caribbean	291 814	June 19, 1969	June 28, 1969	10	Ecuador:	Filed	32,950.00	None	Seized at 01°09' south, 86°45' west, about 184 miles off coast of Ecuador, near Galapagos Islands. Purchased license and matricula with promise of release. Held 9 days until fine assessed and paid.
					License	None	8,250.00	None	
					Matricula	None		None	
					Other	None		NA	
									Oct. 10, 1969
Neptune	505 674	June 20, 1969	June 20, 1969	1/2	Ecuador:	Total	41,200.00	None	Seized about 22 miles off shore about 6 a.m. Boarded by armed guards, forced to head toward Salinas, Ecuador. Released at sea.
					Fine	None		None	
					License	None		None	
					Matricula	None		None	
					Other	None		None	
Martetta	517 099	do	do	1/2	Ecuador:	Other		None	gun, damage to house only.
					Fine	None		None	
					License	None		None	
					Matricula	None		None	
					Other	None		None	
Bold venture	513 392	do	do	1/2	Ecuador:	Other		None	Seized about 22 miles off shore about 6 a.m. Boarded by armed guards, forced to head toward Salinas, Ecuador. Released at sea.
					Fine	None		None	
					License	None		None	
					Matricula	None		None	
					Other	None		None	
Queen Mary	520 243	do	do	1/2	Ecuador:	Other		None	
					Fine	None		None	
					License	None		None	
					Matricula	None		None	
					Other	None		None	
Royal Pacific	288 263	do	do	1/2	Ecuador:	Other		None	
					Fine	None		None	
					License	None		None	
					Matricula	None		None	
					Other	None		None	
Dominator	268 896	July 3, 1969	July 3, 1969	1/2	Peru:	Other		None	Boarded and seized about 25 miles off coast by Peruvian warship. Released about 1:15 p.m. at sea. No fine imposed.
					Fine	None		None	
					License	None		None	
					Matricula	None		None	
					Other	None		None	
Seafarer	252 486	do	do	1/2	Peru:	Other		None	
					Fine	None		None	
					License	None		None	
					Matricula	None		None	
					Other	None		None	
Invader	236 945	Oct. 31, 1969	Nov. 6, 1969	7	Ecuador:	Other		None	Seized at San Cristobal, Galapagos Island. Vessel had valid license #015. Left Costa Rica after unloading on Oct. 16. On 21st entered Ecuadorian 200-mile zone then on 28th purchased 2d license. Captain of Port felt vessel operated in violation for 8 days on expired license. Vessel forced to Salinas, then released without fine or penalty.
					Fine	None		None	
					License	None		None	
					Matricula	None		None	
					Other	None		None	

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## LISTING OF SEIZURES OF U.S. TUNA CLIPPERS 1970, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY, AND GENERAL REMARKS

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country	Costs	Date claim filed, acknowledged, certified, paid	General remarks
City of Panama	514 567	February 14	February 15	1	Ecuador			LC-72 "Guayaquil" seized vessel 17 miles south-west Port Alton 02°23' (south) latitude, 81°08' (west) longitude. Reported two Ecuadorian pilots killed in crash on patrol.
					Fine	\$49,650.00	Filed	NA
					License			
					Matricula			
					Other	NA		
					Total	49,650.00		
Western King	273 287	February 23	February 24	1	Peru			Seizure 37 miles from Pta. Pecos, 03° 20' south latitude, 81° 12' west longitude.
					Fine	15,072.00	Filed	NA
					License			
					Matricula			
					Other	NA		
					Total	15,072.00		
Day Island	288 260	February 25	March 1	3	Ecuador			Seized by "25 de Julio," 36 miles off Ecuador; 02° 53' south latitude, 81° 12' west longitude.
					Fine	84,050.00	Filed	June 1, 1970
					License		Acknowledged	June 5, 1970
					Matricula		Certified	June 13, 1970
					Other	2,600.00	Paid	Jan. 20, 1971
					Total	86,650.00		
Western Ace	263 848	April 17	April 17	1/2	Peru			Seized on high seas, taken into Talara. No further information.
					Fine	5,480.00	Filed	NA
					License			
					Matricula			
					Other	NA		
					Total	5,480.00		

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## LISTING OF SEIZURES OF U.S. TUNA CLIPPERS 1971, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY, AND GENERAL REMARKS

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country	license	Costs: fine, license, matrícula, et cetera	General remarks
1. Lexington	249 877	January 11	January 14	3	Ecuador		\$33,800.00	1. 02°40' south latitude; 81°45' west longitude "Guayaquil" (62 miles).
2. Bold Venture	513 392	January 15	January 16	1	do		49,950.00	2. 03°00' south latitude; 81°28' west longitude "Guayaquil" (55 miles).
3. Anna Maria	523 633	do	do	1	do		52,000.00	3. 02°58' south latitude; 81°23' west longitude "Guayaquil" (50 miles).
4. Apollo	529 833	January 17	January 18	1	do		86,650.00	4. 02°53' south latitude; 81°31' west longitude "Guayaquil" (52 miles).
5. Antonina C.	525 457	January 18	January 19	1	do		39,850.00	5. 02°49' south latitude; 81°35' west longitude "25 de Julio" (50 miles).
6. Ocean Queen	527 550	do	do	1	do		69,100.00	6. 02°38.5' south latitude; 81°10' west longitude "25 de Julio" (27 miles).
7. Cape Cod	291 488	do	do	1	do		44,150.00	7. 03°08' south latitude; 81°30' west longitude "Guayaquil" (51 miles).
8. Captain Vincent Gann	527 923	do	do	1	do		52,550.00	8. 02°51' south latitude; 81°21.5' west longitude "25 de Julio" (43 miles).
9. Blue Pacific	503 115	do	do	1	do		65,605.00	9. 02°48' south latitude; 81°20' west longitude. "25 de Julio" (40 miles).
10. Hornet	289 761	January 19	do	1	do		37,800.00	10. 01°48' south latitude; 82°08' west longitude. "25 de Julio" (75 miles).
11. Quo Vadis	528 822	do	do	1	do		48,150.00	11. 03°20' south latitude; 81°50' west longitude. "Presidente Alfaro" (64 miles).
12. Neptune	505 674	January 22	January 23	1	do		42,950.00	12. 03°04' south latitude; 82°01' west longitude. "LC-71 Quito" (70 miles).
13. Day Island	228 260	do	do	1	do		46,500.00	13. 02°45' south latitude; 81°30' west longitude. "25 de Julio" (46 miles).
14. Caribbean	291 814	January 23	January 24	1	do		41,200.00	14. 03°27' south latitude; 81°34' west longitude. "Presidente Alfaro" (71 miles).
15. Western King	273 287	January 27	January 28	1	do		38,050.00	15. 03°01' south latitude; 81°21' west longitude. "Presidente Alfaro" (43 miles).
16. Coimbra	249 531	do	January 29	2	do		17,750.00	16. 03°10' south latitude; 81°16' west longitude. "Presidente Alfaro" (44 miles).
17. Jeanette C.	511 483	do	January 28	1	do		65,550.00	17. 03°11' south latitude; 81°49' west longitude. "LC-71 Quito" (46 miles).
18. John F. Kennedy	524 862	February 10	February 10	1	do		45,050.00	18. 02°15' south latitude; 82°52' west longitude. "Cayambe" (100 miles).
19. Westport	271 426	February 20	February 21	1	do		32,150.00	19. 03°00' south latitude; 81°20' west longitude. "Guayaquil" (47 miles).
20. Nautilus	265 304	February 24	February 25	1	do		42,950.00	20. 03°00' south latitude; 82°00' west longitude. "Guayaquil" (60 miles).
21. Sun Europa	247 979	February 27	February 28	1	do		23,050.00	21. 03°07' south latitude; 81°12' west longitude. "Guayaquil" (44 miles).
22. Concord States	270 585	do	February 27	1	do		41,550.00	22. 02°55' south latitude; 81°30' west longitude. "Guayaquil" (49 miles).
23. United States	273 327	do	do	1	do		41,550.00	23. 02°50' south latitude; 81°30' west longitude. "Guayaquil" (47 miles).
24. Lone Beaver	277 833	do	do	1	do		24,750.00	24. 02°49' south latitude; 81°34' west longitude. "Esmeraldas" (130 miles).
25. Anselmo	529 833	March 3	March 4	2	do		155,340.00	25. 03°16' south latitude; 81°20' west longitude. "Calicutina" (48 miles).
26. Caribbean	261 673	March 27	March 28	2	do		74,150.00	26. 02°53' south latitude; 81°20' west longitude. "Calicutina" (48 miles).
27. Partisan	526 673	March 30	March 30	1	do		18,200.00	27. 03°30' south latitude; 81°09' west longitude. "Sanchez Carmon" (29 miles).
28. Venturous	525 149	November 9	November 11	2	Ecuador		46,100.00	28. 03°08' south latitude; 81°36' west longitude. "Bae Quito-LC-51" (62 miles).
29. Trinidad	524 179	November 10	do	1	do		59,650.00	29. 03°15' south latitude; 81°30' west longitude. "Bae Quito-LC-51" (64 miles).
30. Denise Marie	524 504	do	do	1	do		32,400.00	30. 03°08' south latitude; 81°36' west longitude. "Bae Quito-LC-51" (62 miles).
31. Blue Meridian	278 273	do	do	1	do		50,900.00	31. 02°50' south latitude; 81°20' west longitude. "Bae Quito-LC-51" (58 miles).
32. Cheryl Marie	531 733	November 12	November 13	1	do		46,250.00	32. 02°48' south latitude; 81°46' west longitude. "Bae Quito-LC-51" (59 miles).
33. Mary S.	531 733	do	do	1	do		46,250.00	33. 02°48' south latitude; 81°46' west longitude. "Bae Quito-LC-51" (59 miles).
34. Endeavor	248 022	do	November 14	2	do		17,150.00	34. 02°48' south latitude; 81°46' west longitude. "Bae Quito-LC-51" (59 miles).

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## LISTING OF SEIZURES OF U.S. TUNA CLIPPERS 1971, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY, AND GENERAL REMARKS—Continued

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country	Costs: fine, license, matrícula, et cetera	General remarks
35. Eastern Pacific	500 099	.....do.....	November 13	1	.....do.....	37,450.00	35. 02°48' south latitude; 81°46' west longitude "Bae Quito (LC-61)" (59 miles).
36. Royal Pacific	286 263	.....do.....	.....do.....	1	.....do.....	24,700.00	36. 02°48' south latitude; 81°46' west longitude "Bae Quito (LC-61)" (59 miles).
37. A. K. Strom	532 476	November 13	November 14	1	.....do.....	73,850.00	37. 03°07' south latitude; 81°42' west longitude "Bae Nuevo Roca Fuerte (LT-93)" (14 miles).
38. Lexington	249 877	.....do.....	.....do.....	1	.....do.....	60,840.00	38. 02°17' south latitude; 81°42' west longitude "Bae Nuevo Roca Fuerte (LT-93)" (42 miles).
39. Cabrillo	514 267	.....do.....	.....do.....	1	.....do.....	44,950.00	39. 02°25' south latitude; 81°28' west longitude "Bae Nuevo Roca Fuerte (LT-93)" (28 miles).
40. Elsinore	271 940	.....do.....	.....do.....	1	.....do.....	17,200.00	40. 03°10' south latitude; 81°07' west longitude "Bae Nuevo Roca Fuerte (LT-93)" (34 miles).
41. Ecuador	263 017	November 18	November 21	3	.....do.....	22,250.00	41. 01°33' south latitude; 81°40' west longitude "Lt-Manta" (47 miles).
42. Wiley V. A.	251 031	.....do.....	November 20	2	.....do.....	22,350.00	42. 01°40' south latitude; 81°45' west longitude "Lt-Manta" (53 miles).
43. Anne M.	522 710	November 19	.....do.....	1	.....do.....	44,940.00	43. 02°38' south latitude; 81°41' west longitude (120 miles).
44. Vivian Ann	517 948	November 23	November 24	1	.....do.....	37,700.00	44. 02°35' south latitude; 81°41' west longitude "Bae Quito LC-61" (46 miles).
45. Larry Roe	278 930	.....do.....	.....do.....	1	.....do.....	41,250.00	45. 02°28' south latitude; 81°35' west longitude (39 miles).
46. Missouri	270 789	.....do.....	.....do.....	1	.....do.....	41,200.00	46. 03°00' south latitude; 81°25' west longitude (51 miles).
47. John F. Kennedy	524 862	November 24	November 25	1	.....do.....	80,460.00	47. 01°51' south latitude; 81°51' west longitude "DD-1" (64 miles).
48. J. M. Martinac	509 692	.....do.....	.....do.....	1	.....do.....	38,350.00	48. 01°51' south latitude; 81°44' west longitude "DD-1" (48 miles).
49. Connie Jean	503 056	.....do.....	.....do.....	1	.....do.....	68,030.00	49. 01°40' south latitude; 81°54' west longitude "Bae Quito LC-61" (61 miles).
50. Bernadette	249 164	November 25	November 26	1	.....do.....	19,000.00	50. 02°13' south latitude; 81°44' west longitude "Manabi" (48 miles).
51. Ocean Queen	527 550	December 4	December 6	2	.....do.....	124,400.00	51. 01°50' south latitude; 81°32' west longitude LT-93" (38 miles).
52. Eileen M.	535 838	.....do.....	.....do.....	2	.....do.....	74,150.00	52. 01°26' south latitude; 81°45' west longitude "LT-93" (54 miles).
53. Ronnie S.	255 975	December 9	December 11	2	.....do.....	48,230.00	53. 02°22' south latitude; 81°25' west longitude "Esmeraldas" (30 miles).
Total				64½		2,504,109.00	

Notes.—(1) Intercepted and boarded on Nov. 12, 1971 ("Trinidad"); (2) Chased, shot at, and boarded on Nov. 13, 1971 ("Trinidad") by "LT-93"; (3) LT-93" threatened shooting if small boat not lowered by "Denise Marie" on Nov. 13, 1971.

## LISTING OF SEIZURES OF U.S. TUNA CLIPPERS 1972, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY, AND GENERAL REMARKS

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country	license	Costs: fine, license, matricula, et cetera	General remarks
1. Western King	273 287	January 8	January 12	4	Ecuador		\$68,210.00	1. 00°46' south latitude; 82°10' west longitude (72 miles) "Bae Manabi."
2. Anna Maria	523 653	January 9	do	3	do		83,200.00	2. 00°35' south latitude; 83°20' west longitude (146 miles) "Bae Manabi."
3. A. K. Strom	532 476	January 14	January 19	5	do		132,650.00	3. 02°35' south latitude; 83°06' west longitude (124 miles) "Manabi."
4. City of Lisbon	531 115	January 15	do	4	do		51,200.00	4. 02°20' south latitude; 82°50' west longitude (113 miles) "Bae Manabi."
5. Puritan	296 673	do	do	3	do		46,400.00	5. 02°15' south latitude; 82°48' west longitude (99 miles) "Bae Manabi."
6. Blue Meridian	278 273	January 17	January 20	4	do		58,670.00	6. 03°16' south latitude; 81°04' west longitude (34 miles) "Lorrea No. 25."
7. Mary Elizabeth	536 720	January 20	do	1	Peru		None	7. 03°16' south latitude; 81°04' west longitude (34 miles) "Lorrea No. 25."
8. Anna Maria	523 633	do	do	3	Ecuador		13,800.00	8. 03°00' south latitude; 81°09' west longitude (43 miles) "Bae Presidente Velasco."
9. Arles	532 208	February 5	February 8	3	Ecuador		None	9. 03°00' south latitude; 81°09' west longitude (43 miles) "Bae Presidente Velasco."
10. Santa Anita	258 646	March 11	March 12	1	Panama		None	10. 07°03' north latitude; 80°08' west longitude (25 miles) "CC 11"---released at sea, no fine imposed.
11. Nautilus	285 304	November 12	November 15	3	Ecuador		77,532.00	11. 02°38' south latitude; 82°00' west longitude (64 miles) "Bae Cayambe."
12. Freedom	262 968	do	do	3	do		None	12. Information unavailable.
13. Gemini	534 721	November 13	do	3	do		128,842.00	13. 01°56' south latitude; 81°41' west longitude (45 miles) "Presidente Alfaro."
14. Denise Marie	534 504	November 12	November 15	3	do		75,684.00	14. 02°08' south latitude; 81°59' west longitude (61 miles) "Bae 25 de Julio."
15. Sea Quest	526 971	November 13	November 16	3	do		72,072.00	15. 02°30' south latitude; 81°26' west longitude (30 miles) "LT-92 (Tulcan)."
16. Trinidad	532 179	do	do	2	do		102,276.00	16. 02°31' south latitude; 81°36' west longitude (40 miles) "LT-92 (Tulcan)."
17. Polaris	526 793	do	do	4	do		45,594.00	17. 01°57' south latitude; 82°03' west longitude (64 miles) "Bae Presidente Alfaro."
18. Clipperton	285 518	do	November 16	3	do		30,644.00	18. 02°11' south latitude; 82°09' west longitude (90 miles) "LT-93 Nuevo Rocafuerte."
19. Western King	273 287	November 15	do	2	do		68,964.00	19. 02°49' south latitude; 81°40' west longitude (53 miles) "LT-93 Nuevo Rocafuerte."
20. City of San Diego	295 035	November 14	do	2	do		43,146.00	20. 01°30' south latitude; 82°30' west longitude (100 miles) "Bae Presidente Velasco."
21. Eastern Pacific	500 039	November 21	November 22	1	do		67,872.00	21. 03°12' south latitude; 81°44' west longitude (69 miles) "Bae Presidente Velasco."
22. Marco Polo	534 220	do	do	1	do		60,938.00	22. 03°12' south latitude; 81°45' west longitude (73 miles) "Bae Presidente Velasco."
23. J. M. Martinac	524 862	November 22	November 23	1	do		81,704.00	23. 03°10' south latitude; 81°28' west longitude (62 miles) "LT-92 (Tulcan)."
24. Ocean Queen	527 560	do	do	2	do		126,112.00	24. 03°10' south latitude; 81°26' west longitude (61 miles) "LT-92 (Tulcan)."
25. John F. Kennedy	509 692	November 21	November 22	1	do		69,510.00	25. 03°13' south latitude; 81°46' west longitude (72 miles) "Bae Presidente Velasco."
26. Pacific Queen	512 151	November 22	November 24	2	do		45,900.00	26. 03°08' south latitude; 81°45' west longitude (71 miles) "LT-93 Nuevo Rocafuerte."
27. Kerri M	518 807	do	November 23	1	do		52,472.00	27. 03°08' south latitude; 81°45' west longitude (71 miles) "LT-93 Nuevo Rocafuerte."
28. Pacific Tradewinds	517 479	do	November 24	2	do		54,468.00	28. 03°06' south latitude; 81°32' west longitude (65 miles) "LT-92 Tulcan."
29. Venturous	535 149	do	do	2	do		83,902.00	29. 03°05' south latitude; 81°30' west longitude (60 miles) "LT-92 Tulcan."
30. Blue Meridian	278 273	December 12	December 13	1	Peru		19,440.00	30. 35-40 miles northwest, Cape Blanco, Peru. "PNV-San Martin."
Total				71			1,767,202.00	

## LISTING OF SEIZURES OF U.S. TUNA CLIPPERS 1973, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY, AND GENERAL REMARKS

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country	Costs: fine, license, matricula, et cetera	General remarks
1. Clipperton	285 518	January 10	January 11	2	Peru	\$19,320.00	1. 05°14' south latitude; 81°38' west longitude (30 miles) "Bap San Martin."
2. Caribbean	238 814	January 12	January 13	2	do	26,220.00	2. 03°57' south latitude; 81°36' west longitude "Bap San Martin."
3. Dan Island	238 280	January 17	January 19	2	do	29,400.00	3. 03°38' south latitude; 81°50' west longitude (35 miles) "Bap San Martin."
4. Western King	273 287	do	January 18	2	do	24,120.00	4. 03°20' south latitude; 81°45' west longitude (40 miles) "Bap San Martin."
5. A. R. Storm	532 476	do	January 19	2	do	45,600.00	5. 03°37' south latitude; 81°50' west longitude (20 miles) "Bap De Los Heros."
6. Bold Venture	513 392	do	January 18	2	do	31,260.00	6. 03°48' south latitude; 81°41' west longitude (40 miles) "Bap San Martin."
7. Blue Pacific	209 115	do	January 19	3	do	40,620.00	7. 03°48' south latitude; 81°41' west longitude (30 miles) "Bap San Martin."
8. White Star	268 673	do	January 18	2	do	29,340.00	8. 03°48' south latitude; 81°40' west longitude (40 miles) "Bap San Martin."
9. Hornet	289 761	do	do	2	do	24,180.00	9. 03°40' south latitude; 81°52' west longitude (32 miles) "Bap De Los Heros."
10. Pacific Tradewinds	517 469	do	do	2	do	33,540.00	10. 03°36' south latitude; 81°49' west longitude (46 miles) "Bap De Los Heros."
11. San Juan	289 819	do	do	2	do	28,440.00	11. 03°37' south latitude; 81°50' west longitude (40 miles) "Bap De Los Heros."
12. City of Panama	514 577	do	February 2	16	Ecuador	78,880.00	12. 00°38' south latitude; 89°10' west longitude, vessel in distress 60 miles off Galapagos. Taken 11, tow 6 miles off San Cristobal by "Bae Cayambe."
13. American Queen	539 088	January 18	January 19	2	Peru	26,280.00	13. 04°00' south latitude; 81°39' west longitude (35 miles) "Bap Sanchez Carrion."
14. Conquistador	531 005	do	do	2	do	44,040.00	14. 04°01' south latitude; 81°32' west longitude (35 miles) "Bap Sanchez Carrion."
15. Jeanette C.	511 483	do	do	2	do	40,620.00	15. 04°02' south latitude; 81°28' west longitude (35 miles) "Bap Sanchez Carrion."



16. Voyager	538 148	do	do	2	do	50,340.00	16. 04°02' south latitude; 81°41' west longitude (29 miles) "Bap Sanchez Carrion."
17. Pacific Queen	512 151	do	do	2	do	28,500.00	17. 03°56' south latitude; 81°44' west longitude (34 miles) "Bap Sanchez Carrion."
18. Balboa	536 441	do	do	2	do	23,640.00	18. 04°25' South Latitude; 81°49' west longitude (30 miles) "Bap Sanchez Carrion."
19. Neptune	505 674	do	do	2	do	27,060.00	19. 03°56' south latitude; 81°44' west longitude (35 miles) "Bap Sanchez Carrion."
20. Cape Cod	291 488	do	do	2	do	26,780.00	20. 04°00' south latitude; 81°40' west longitude (45 miles) "Bap Sanchez Carrion."
21. Anello	529 833	January 20	January 21	2	do	53,280.00	21. 03°51' south latitude; 81°15' west longitude (24 miles) "Bap De Los Heros."
22. Jacqueline Marie	536 784	January 22	January 23	2	do	46,080.00	22. 04°15' south latitude; 81°50' west longitude (22 miles) "Bap Sanchez Carrion."
23. City of Lisbon	531 115	January 24	January 24	1	do	32,220.00	23. (33 miles) "Bap De Los Heros."
24. Paramount	250 688	do	do	1	do	10,800.00	24. 04°49' south latitude; 81°45' west longitude (30 miles) "Bap De Los Heros."
25. Pacific Tradewinds	517 479	February 9	February 14	5	Ecuador	97,538.00	25. 00°24' north latitude; 91°57' west longitude (160 miles) "Bae 25 De Julio."
26. Neptune	505 674	do	do	5	do	77,882.00	26. 01°08' north latitude; 92°52' west longitude (95 miles) "Bae 25 De Julio."
27. Clipperton	285 518	February 10	do	5	do	54,404.00	27. 00°20' north latitude; 92°33' west longitude (65 miles) "Bae 25 De Julio."
28. Gemini	534 721	January 16	January 17	1	Peru	14,620.00	28. Entered port of Talara to obtain medical attention for two injured crew members.
Total				77		1,065,004.00	

TABLE II.—AMOUNTS PAID TO FOREIGN COUNTRIES UNDER THE ACT OF AUG. 27, 1954, AS AMENDED  
[Distribution of all claims by year of certification, number, country and by amount]

Year	Number	Country	Amount
1955	2	Ecuador	\$53,481.20
1956	None		
1957	7	Mexico	3,400.00
1958	1	do.	1,200.00
	1	Ecuador	5,881.10
1959	2	Mexico	2,400.00
1960	11	do.	24,400.00
1961	3	do.	5,400.00
	1	Ecuador	3,906.60
	1	Panama	2,500.00
1962	4	Mexico	13,400.00
1963	1	Colombia	2,277.90
	1	Ecuador	3,504.00
	2	Peru	15,000.00
	12	Mexico	31,600.00
1964	1	Ecuador	11,184.00
	5	Mexico	13,184.00
1965	1	Peru	7,128.00
	2	Mexico	6,400.00
	9	Honduras	45,000.00
1966	1	Colombia	5,000.00
	3	Mexico	6,600.00
1967	2	Panama	20,000.00
	5	Ecuador	55,904.00
	7	Peru	73,696.00
1968	5	Ecuador	211,664.00
1969	5	Peru	55,692.00
	2	Ecuador	122,575.00
1970	1	Peru	15,072.00
	2	Ecuador	133,700.00
1971	2	Peru	23,684.00
	28	Ecuador	1,342,539.00
1972	24	do.	1,533,920.00
1973	4	do.	308,704.00
	24	Peru	756,300.00
Total			Fines paid or certified
Ecuador			\$4,257,558.90
Peru			493,976.00
Mexico			114,800.00
Honduras			45,500.00
Panama			22,500.00
Colombia			7,277.90
Total paid			4,945,112.80

Note.—As of Oct. 26, 1972 Congress created the Fishermen's Protective Fund, a revolving fund to be used by the Secretary of the Treasury to reimburse owners for amounts certified by the Secretary of State.  
Therefore, no listing is provided showing congressional appropriations such as formerly provided funds to the Secretary of the Treasury for the payment of certified Claims.

Source: American Tunaboat Association.

Name of vessel	Country	Claimant	Amount paid	Date of certification	Date of seizure	Congress	Session	Public law, number, and chapter	Document No.
Sun Streak	Ecuador	Sun Pacific, Inc.	\$12,000.00	May 20, 1955	Sept. 4, 1954	84th	1st	P.L. 219, Ch. 541	H.R. 184R.
Artie Maid	do	Artie Maid Fisheries, Inc.	43,481.20	July 19, 1955	Mar. 27, 1955	85th	1st	P.L. 85-58	H.R. 156.
Captain Mac	Mexico	Sea Garden Corp.	1,200.00	Aug. 3, 1957	Mar. 26, 1956	85th	1st	P.L. 85-170	S. 60.
Lucky Star	do	D. W. Franks	1,200.00	Sept. 3, 1957	do	85th	2d	P.L. 85-352	H.R. 321.
Captain Scotty	do	William L. Hardee	1,200.00	Sept. 19, 1957	do	85th	2d	do	do.
Sea Otter	do	R. A. Hardee, Jr. and I. D. Hardee	1,200.00	Sept. 19, 1957	do	85th	2d	do	do.
Princess	do	William Hardee	1,200.00	do	do	85th	2d	do	do.
Ranger	do	Robbie A. Hardee, Jr.	1,200.00	Sept. 23, 1957	do	85th	2d	do	do.
Scotsman	do	Sea Garden Corp.	1,200.00	Oct. 23, 1957	do	85th	2d	do	do.
Captain Wilson	do	Mrs. Agnes S. Authement	1,200.00	Jan. 27, 1958	do	85th	2d	do	do.
Santa Anna	Ecuador	John Grads, et al.	5,881.10	Jan. 27, 1958	do	85th	2d	do	S. 80.
Valley Sun	Mexico	Oliver J. Clark	1,200.00	Mar. 4, 1959	do	86th	1st	P.L. 86-30	S. 20.
Ann Carlinhas	do	Frances J. Carlinhas	1,200.00	Mar. 4, 1959	do	86th	1st	do	do.
Gall-D	do	Producers Marine Service	1,600.00	Apr. 7, 1960	do	86th	1st	P.L. 86-722	H.R. 452.
Little Man	do	Henry W. Humphreys	1,600.00	May 31, 1960	do	86th	2d	do	do.
Captain Hansi	do	Curten J. Kiffe	1,600.00	May 31, 1960	do	86th	2d	P.L. 87-14	S. 23.
Cavalier	do	Harry S. Hirst	2,400.00	Dec. 23, 1960	do	87th	1st	do	do.
Georgia Pine	do	Elizabeth B. DeRick	2,400.00	do	do	87th	1st	do	do.
Green Wave	do	Samuel M. Snodgrass	2,400.00	Oct. 19, 1960	do	87th	1st	do	do.
Miss Port Isabel	do	E. W. Catedra and C. H. Langford	2,400.00	Sept. 6, 1960	do	87th	1st	do	do.
Saratoga	do	O. P. Smith and D. D. Henslee	2,400.00	Sept. 6, 1960	do	87th	1st	do	do.
Two Friends	do	A. E. Kern and J. Carneka	2,400.00	Sept. 15, 1960	do	87th	1st	do	do.
Sherry Ann	do	Earl Lemaire	2,400.00	Dec. 13, 1960	do	87th	1st	do	do.
Valley King	do	Darrow Tregre	2,400.00	Sept. 6, 1960	do	87th	1st	do	do.
Valley Sky	do	Valley Fisheries Inc.	1,600.00	Aug. 21, 1961	do	87th	1st	P.L. 87-332	HR 229.
Jerry Ann	do	R. LeLoup Shrimp Co.	2,400.00	Apr. 4, 1961	do	87th	1st	do	do.
July S	Ecuador	Pacific Clippers, Lief Bjorly, and Blue Pacific Inc.	9,906.60	July 20, 1960	Mar. 21, 1961	87th	1st	do	do.
Shamrock	Panama	E. V. Monteiro and Elvera V. Monteiro	2,500.00	June 28, 1961	do	87th	1st	do	do.
Southern Pride	Mexico	V. F. Crofts and W. R. Lackey	2,400.00	May 28, 1962	do	88th	1st	P.L. 88-25	HR 90.
Lucy Rae H.	do	S. D. Hughston	2,400.00	do	do	88th	1st	do	do.
Ramos Ace	do	W. D. Gooding	2,400.00	do	do	88th	1st	do	do.
Captain Jingle	do	Sea Garden Corp.	2,400.00	Nov. 30, 1962	do	88th	1st	do	do.
Valley Ace	do	Valley Fisheries Inc.	3,200.00	Jan. 7, 1963	Feb. 12, 1962	88th	1st	do	do.
San Joaquin	Colombia	F. M. Medina, et al.	2,277.90	Jan. 8, 1963	do	88th	1st	do	do.
Valley Gold	Mexico	Darrow Tregre	2,400.00	June 6, 1963	do	88th	1st	do	do.
Queenie B.	do	Oscar D. Henslee and Francis H. Henslee	2,400.00	June 7, 1963	do	88th	1st	do	do.
O. W. Burton	do	Joachim Gomes Carlinhas	3,200.00	June 21, 1963	do	88th	1st	do	do.
Lycos X	do	F. K. Lytle	3,200.00	July 8, 1963	do	88th	1st	do	do.
Captain	do	Hattie B. Cateora	3,200.00	July 11, 1963	do	88th	1st	do	do.
Captain Scotty	do	William Love Hardee	2,400.00	July 12, 1963	do	88th	1st	do	do.
Valley Wave	do	Valley Fisheries Inc.	2,400.00	July 16, 1963	do	88th	1st	do	do.
John O'Callaghan	do	Sea Garden Corp.	2,400.00	Sept. 3, 1963	do	88th	1st	do	do.
Valley Rio	do	Edward Joseph Jones	2,400.00	do	do	88th	1st	do	do.

1 Unavailable.

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Name of vessel	Country	Claimant	Amount paid	Date of certification	Date of seizure	Congress	Session	Public law, number, and chapter	Document No.
Georgia Pine	Mexico	Elizabeth B. DeRick	3,200.00	Sept. 3, 1963	( )	88th	1st		H.R. 182.
Chicken of the Sea	Peru	Ponce Fishing Co., Inc.	10,000.00	Sept. 9, 1963	Oct. 28, 1962	88th	1st		Do.
Western Ace	do	Western Ace Co., Inc.	5,000.00	Sept. 17, 1963	( )	88th	1st		Do.
Ranger	Ecuador	Harbor Boat and Yacht Inc.	9,504.00	Oct. 18, 1963	May 25, 1963	88th	1st		Do.
C. W. Nugent	Mexico	Irene Nugent	3,200.00	Dec. 17, 1963	( )	88th	1st	P.L. 88-317	H.R. 300.
Bullene Boy	do	James E. Wade	3,200.00	Dec. 27, 1963	( )	88th	2d	do	Do.
Southern Glory	do	John Bunny Mills, Sr., Raymond Chester Canada, John Bunny Mills, Jr.	3,200.00	Jan. 28, 1964	( )	88th	2d	do	Do.
Lycio IX	do	F. K. Lytle	3,200.00	Feb. 7, 1964	( )	88th	2d	do	Do.
White Star	Ecuador	White Star Fishing Co.	11,184.00	Feb. 20, 1964	Oct. 5, 1965	88th	2d	do	Do.
Narco	Mexico	P. D. Lahove	3,200.00	Oct. 2, 1964	( )	89th	1st	P.L. 88-16	H.R. 113.
Jean Frances	do	B. K. Galloway et al.	3,200.00	Oct. 28, 1964	( )	89th	1st	do	Do.
Arlene	do	R. LeLoup Shrimp Co.	3,200.00	Nov. 2, 1964	( )	89th	1st	do	Do.
Davey Boy	Honduras	Norman Jansen	5,000.00	Mar. 24, 1965	( )	89th	1st	do	S. 19.
Jo Frances	do	S. I. Tringali	5,000.00	Mar. 16, 1965	( )	89th	1st	do	Do.
Dave W.	do	do	5,000.00	do	( )	89th	1st	do	Do.
Sugar Daddy	do	Gulf Shrimp Co., Inc.	5,000.00	Mar. 23, 1965	( )	89th	1st	do	Do.
Thomas Michael	do	do	5,000.00	do	( )	89th	1st	do	Do.
Southland	do	Pioneer Shrimp Co.	5,000.00	Mar. 24, 1965	( )	89th	1st	do	Do.
Big Daddy	do	do	5,000.00	do	( )	89th	1st	do	Do.
Miss Yvonne	do	do	5,000.00	do	( )	89th	1st	do	Do.
Earline-G.	do	do	5,000.00	do	( )	89th	1st	do	Do.
Valley Grande	Mexico	L. A. Celka, et al.	5,000.00	Mar. 23, 1965	( )	89th	1st	do	Do.
Clipperton	do	J. M. Pafford	3,200.00	July 13, 1965	( )	89th	1st	P.L. 89-309	HR 283.
Captain Nugent	Peru	Clipperton, Inc.	7,128.00	Sept. 21, 1965	June 4, 1965	89th	1st	do	S. 64.
Deep Sea Trawlers Inc.	Mexico	Deep Sea Trawlers Inc.	3,200.00	Oct. 13, 1965	( )	89th	2d	P.L. 89-426	HR 414.
Captain Ramos	do	W. D. Parker, et al.	1,200.00	Feb. 28, 1966	( )	89th	2d	do	Do.
Sea Eagle	do	S. D. Augusta	1,200.00	Mar. 9, 1966	( )	89th	2d	do	Do.
Day Island	Colombia	M/V Day Island Inc.	5,000.00	Oct. 27, 1966	Feb. 3, 1966	90th	1st	P.L. 90-21	HR 109.
John D'Callaghan	Mexico	Sea Garden Corp.	3,200.00	Nov. 2, 1966	( )	90th	1st	do	Do.
Day Island	do	M/V Day Island Inc.	10,000.00	Mar. 2, 1967	May 12, 1966	90th	1st	do	Do.
Sun Europa	Panama	S. Crivello, et al.	10,000.00	Mar. 2, 1967	Mar. 3, 1966	90th	1st	do	Do.
Endeavor	do	V.L. Morton, et al.	8,064.00	do	Jan. 7, 1967	90th	1st	do	Do.
Victoria	Ecuador	Victoria Fishing Co.	8,448.00	Mar. 31, 1967	do	90th	1st	do	Do.
Sea-Preme	do	D.A. Marks, et al.	12,528.00	do	do	90th	1st	do	Do.
Ronnie S.	do	T.J. Santos, et al.	12,528.00	Apr. 10, 1967	Jan. 20, 1967	90th	1st	do	Do.
Do	do	do	7,384.00	June 28, 1967	Feb. 15, 1967	90th	2d	P.L. 90-352	HR 254.
Pilgrim	Peru	United States Tuna Inc.	11,512.00	July 30, 1967	Oct. 2, 1966	90th	2d	do	Do.
San Juan	do	M/V San Juan Inc.	11,776.00	July 30, 1967	May 23, 1966	90th	2d	do	Do.
Day Island	do	M/V Day Island Inc.	12,160.00	do	do	90th	2d	do	Do.
Caribbean	do	Sultana Fishing Co.	10,888.00	Aug. 1, 1967	Jan. 26, 1967	90th	2d	do	Do.
Hornet	do	Mayaguez Fishing Co.	10,072.00	do	do	90th	2d	do	Do.
Eastern Pacific	do	J. S. Marinac, et al.	5,544.00	do	do	90th	2d	do	Do.
Western King	Ecuador	Peter Pan Caribe Inc.	18,096.00	Dec. 4, 1967	July 4, 1967	90th	2d	do	Do.

Ranger	do	Harbor Boat and Yacht Inc.	9,504.00	Sept. 23, 1968	Feb. 15, 1967	90th	2d	P.L. 90-608	HR 393.
Royal Pacific	do	J. S. Martinac, et al.	34,580.00	Nov. 6, 1968	Aug. 8, 1968	91st	1st	P.L. 91-47	HR 91-1.
Eastern Pacific	do	do	51,940.00	Nov. 8, 1968	do	91st	1st	do	Do.
Connie Jean	do	Connie Jean, Inc.	52,640.00	Nov. 6, 1968	do	91st	1st	do	Do.
Pacific Queen	do	Cape San Vincent, Inc.	63,000.00	do	do	91st	1st	do	Do.
Day Island	do	M/V Day Island, Inc.	81,375.00	Mar. 12, 1969	Dec. 10, 1968	91st	1st	do	Do.
Chicken of the Sea	Peru	White Star Fishing Company, Inc.	2,900.00	Jan. 15, 1969	Oct. 23, 1968	91st	1st	do	Do.
Cape Ann	do	Mayflower, Inc.	8,732.00	Sept. 18, 1969	Mar. 19, 1969	91st	1st	P.L. 91-166	Do.
Mariner	do	Mariner, Inc.	10,824.00	do	Mar. 14, 1969	91st	1st	do	Do.
San Juan	do	M/V San Juan, Inc.	18,164.00	do	Mar. 19, 1969	91st	1st	do	Do.
Western King	do	Peter Pan Caribe, Inc.	15,072.00	do	May 16, 1969	91st	1st	do	Do.
Caribbean	Ecuador	Suitana Fishing Co., Inc.	41,200.00	Oct. 31, 1969	June 19, 1969	91st	1st	do	Do.
Western King	Peru	Peter Pan Caribe, Inc.	15,072.00	May 8, 1970	Feb. 23, 1970	91st	2d	P.L. 91-305	S 91-86.
Day Island	Ecuador	M/V Day Island, Inc.	84,050.00	June 17, 1970	Feb. 25, 1970	91st	2d	P.L. 91-669	S 91-420.
City of Panama	do	Caribe Master, Inc.	49,650.00	Nov. 3, 1970	Feb. 14, 1970	91st	2d	do	Do.
Anna Maria	do	Anna Maria, Inc.	52,000.00	Mar. 31, 1971	Jan. 15, 1971	92d	1st	P.L. 92-18	H 92-103.
Antonina C.	do	Louis Castagnola, Inc.	39,850.00	Apr. 12, 1971	Jan. 18, 1971	92d	1st	do	Do.
Apollo	do	Ocean Blazer, Inc. and Apollo Ventures, Inc.	86,650.00	do	Jan. 17, 1971	92d	1st	do	Do.
Neptune	do	San Simeon Fishing Co., Inc.	42,950.00	do	Jan. 22, 1971	92d	1st	do	Do.
Captain Vincent Gann	do	Captain Vincent Gann, Inc.	52,550.00	do	Jan. 18, 1971	92d	1st	do	Do.
Jeanette C.	do	Frank M. Perry Corp.	65,550.00	do	Jan. 27, 1971	92d	1st	do	Do.
Western King	do	Western King Co.	38,050.00	do	do	92d	1st	do	Do.
Blue Pacific	do	Blue Pacific, Inc.	65,605.00	Apr. 15, 1971	Jan. 18, 1971	92d	1st	do	Do.
Nautilus	do	Pan Pacific Fisheries, Inc.	42,950.00	Apr. 16, 1971	Feb. 24, 1971	92d	1st	do	Do.
Coimbra	do	M/V Coimbra, Inc.	17,750.00	Apr. 19, 1971	Jan. 27, 1971	92d	1st	do	Do.
Western Ace	Peru	Del Monte de Puerto Rico, Inc.	5,480.00	Mar. 31, 1971	Apr. 17, 1970	92d	1st	do	Do.
Apollo	Ecuador	Ocean Blazer, Inc. and Apollo Ventures, Inc.	155,340.00	May 4, 1971	Mar. 3, 1971	92d	1st	1st P.L. 92-49	Sec. 501.
Day Island	do	M/V Day Island, Inc.	46,500.00	May 10, 1971	Jan. 23, 1971	92d	1st	do	Do.
John F. Kennedy	do	Ocean Fisheries, Inc.	45,050.00	May 4, 1971	Feb. 10, 1971	92d	1st	do	Do.
Ocean Queen	do	Act Fisheries Co., Inc.	69,100.00	Apr. 23, 1971	Jan. 18, 1971	92d	1st	do	Do.
Que Vadis	do	Mr. R. A. Watt	48,150.00	May 12, 1971	Jan. 21, 1971	92d	1st	do	Do.
Sun Europa	do	Salvatore Crivello, et al.	23,050.00	May 3, 1971	Jan. 27, 1971	92d	1st	do	Do.
Determined	do	John J. Cytanich, et al.	8,784.00	Nov. 1, 1971	Feb. 15, 1967	92d	1st	1st P.L. 92-184	S. 92-45.
Paramount	do	Nick Marinovich, et al.	21,760.00	do	Mar. 20, 1968	92d	1st	do	Do.
Bold Venture	do	Miss America, Inc.	49,950.00	July 14, 1971	Jan. 15, 1971	92d	1st	do	H.R. 92-164.
Cape Cod	do	Cape Cod Sea Foods, Inc.	44,150.00	do	Jan. 18, 1971	92d	1st	do	Do.
Puritan	Peru	Caribe Fishing Co., Inc.	18,204.00	do	Mar. 30, 1971	92d	1st	do	Do.
Hornet	Ecuador	Mayaguez Fishing Co., Inc.	37,800.00	Aug. 6, 1971	Jan. 19, 1971	92d	1st	do	Do.
Lexington	do	do	33,800.00	do	Jan. 11, 1971	92d	1st	do	Do.
Caribbean	do	Suitana Fishing Co., Inc.	74,160.00	Aug. 10, 1971	Mar. 27, 1971	92d	1st	do	Do.
do	do	do	41,200.00	do	Jan. 23, 1971	92d	1st	do	Do.
Westport	do	Coronado Fisheries, Inc.	32,150.00	Sept. 1, 1971	Feb. 20, 1971	92d	1st	do	Do.
United States	do	do	41,550.00	do	Feb. 27, 1971	92d	1st	do	Do.
Lois Seaver	do	do	24,750.00	do	do	92d	1st	do	Do.
Concho	do	do	41,550.00	do	do	92d	1st	do	Do.

1 Unavailable.

Name of vessel	Country	Claimant	Amount paid	Date of certification	Date of seizure	Congress	Session	Public law, number, and chapter	Document No.
Venturous	Ecuador	Samme Fishing Co., Inc.	46,100.00	Mar. 7, 1972	Nov. 9, 1971	92d	2d	P.L. 92-306	S. 92-71.
Elsinore	do	George Norman Zeluff, et al.	17,200.00	Mar. 10, 1972	Nov. 13, 1971	92d	2d	do	Do.
A. K. Strom	do	Delta Fishing Co., Inc.	73,850.00	Mar. 15, 1972	do	92d	2d	do	Do.
Cheryl Marie	do	Liberty King, Inc.	50,900.00	do	Nov. 12, 1971	92d	2d	do	Do.
Wiley V. A.	do	The Ambrose Co.	22,350.00	Mar. 16, 1972	Nov. 18, 1971	92d	2d	do	Do.
Eileen M.	do	Zeta Fishing Co., Inc.	74,150.00	Apr. 13, 1972	Dec. 4, 1971	92d	2d	do	Do.
Ocean Queen	do	Ace Fisheries Co., Inc.	124,380.00	do	do	92d	2d	do	Do.
Ronnie S.	do	Thomas Joseph Santos, et al.	48,230.00	do	Dec. 9, 1971	92d	2d	do	Do.
Mary S.	do	Alpha Fishing Co., Inc.	46,250.00	do	Nov. 12, 1971	92d	2d	do	Do.
Trinidad	do	Ocean Fisheries, Inc.	59,650.00	do	Nov. 10, 1971	92d	2d	do	Do.
Endeavor	do	The Ambrose Co., et al.	17,150.00	June 1, 1972	Nov. 12, 1971	92d	2d	P.L. 92-607	H.R. 92-368.
Vivian Ann	do	Vivian Ann Fisheries, Inc.	37,700.00	do	Nov. 23, 1971	92d	2d	do	Do.
Blue Meridian	do	Global Fisheries, Inc.	32,400.00	do	Nov. 10, 1971	92d	2d	do	Do.
Bernadette	do	Cristiano G. Da Rosa, et al.	19,000.00	May 16, 1972	Nov. 25, 1971	92d	2d	do	Do.
Lexington	do	Mayaguez Fishing Co.	60,840.00	do	Jan. 11, 1971	92d	2d	do	Do.
Royal Pacific	do	Ocean Fisheries, Inc.	24,700.00	do	Nov. 12, 1971	92d	2d	do	Do.
Connie Jean	do	Connie Jean, Inc.	68,030.00	June 20, 1972	Nov. 24, 1971	92d	2d	do	Do.
Blue Meridian	do	Global Fisheries, Inc.	58,670.00	July 21, 1972	Jan. 17, 1972	92d	2d	do	Do.
A. K. Strom	do	Delta Fishing Co., Inc.	132,650.00	do	Jan. 14, 1972	92d	2d	do	Do.
New Era	do	New Era, Inc.	7,200.00	Aug. 24, 1972	Jan. 7, 1967	92d	2d	do	Do.
Western King	do	Western King Co.	68,210.00	Sept. 14, 1972	Jan. 8, 1972	92d	2d	do	Do.
Puritan	do	Fortuna Caribe, Inc.	46,400.00	do	Jan. 15, 1972	92d	2d	do	Do.
City of Lisbon	do	City of Lisbon, Inc.	51,200.00	do	do	92d	2d	do	Do.
Anna Maria	do	Anna Maria, Inc.	83,200.00	do	Jan. 9, 1972	92d	2d	do	Do.
John F. Kennedy	do	Ocean Fisheries, Inc.	80,460.00	Apr. 13, 1972	Nov. 24, 1971	92d	2d	P.L. 92-306	S. 92-71.
J. M. Martinac	do	do	38,350.00	do	do	92d	2d	do	Do.
Eastern Pacific	do	do	37,450.00	do	Nov. 12, 1971	92d	2d	do	Do.
Cabrillo	do	Joseph P. Soares, et al.	44,350.00	do	Nov. 13, 1971	92d	2d	do	Do.
Ecuador	do	M. O. Medina, et al.	22,250.00	do	Nov. 18, 1971	92d	2d	do	Do.
Anne M.	do	Castle and Cook	45,050.00	Apr. 20, 1972	Nov. 19, 1971	92d	2d	do	Do.

## INTERIM FISHERIES ZONE EXTENSION AND MANAGEMENT ACT OF 1973

FRIDAY, APRIL 19, 1974

U.S. SENATE,  
COMMERCE COMMITTEE,  
*San Francisco, Calif.*

The committee met, pursuant to notice, at 9 a.m. in the Ceremonial Courtroom, Federal Building, Hon. John V. Tunney presiding.

### OPENING STATEMENT OF SENATOR TUNNEY

Senator TUNNEY. The hearing will come to order.

Today marks the second of two hearings in California on the most important issue presently facing the California fishing industry.

The proposed legislation we will be considering calls for a substantial extension of the United States' capability to regulate fishing in our coastal waters. Under this legislation, the present 12-mile contiguous fisheries zone would be extended up to 200 miles, giving the Federal Government vastly increased power to control foreign fishing fleets.

This legislation also would significantly extend the claims of U.S. jurisdiction over domestic anadromous fish, such as salmon, even to ranges far beyond the proposed 200-mile limit. This legislation is expressly interim in nature and would terminate as soon as the Law of the Sea conference now in progress puts into force a treaty regarding fisheries jurisdiction and conservation.

At a meeting at San Francisco's wharf last summer, I met with northern California salmon fishermen who alerted me to serious problems of foreign intrusion and fisheries depletion along this coast. As a result of that meeting and further discussions I have held, I have requested the Commerce Committee, of which I am a member, to schedule hearings in California to gather complete documentation of the facts and the position of California's fishing industry as it relates to this issue.

The issues are complex, and no simple solution is possible. In San Diego yesterday, I listened to testimony by representatives of the California tuna industry. Witnesses expressed fears that establishment of a unilateral 200-mile limit would have an extremely detrimental effect on sectors of the Nation's tuna and shrimp industries. It is widely felt that extension of this Nation's contiguous fishing zone, even on an interim basis, would be blatant violation of international law, threatening the viability of the Fishermen's Protective Act of 1967, and provoking serious international incidents.

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On the other hand, I am well aware of great concern on the part of coastal fishermen that their industry is rapidly becoming an endangered species. I have received reports of serious depletion of the coastal fishery resources, due to large-scale harvesting by foreign vessels, which do not employ conservation practices, which our own vessels are required to utilize. Many feel that this rapid depletion, sped up by an ever-increasing concentration of foreign off-shore fishing, will destroy chances of a restoration of the supply of this resource, regardless of what action is taken by the Law of the Seas Conference in the next few years.

It is my belief that the task we face is to assure that we will conserve California's extremely valuable coastal fisheries resources without jeopardizing protection of our crucial tuna fleets.

I am holding these hearings in order that I may provide the Senate with as much information as possible from representatives of all sectors of California's fishing industry and from interested environmental and conservation groups, enabling the Senate to act more knowledgeably on this vital issue. Clearly, an issue such as this, where millions of dollars and thousands of California jobs are potentially at stake, it is essential that the views of concerned Californians are fully on the record for the use of the Commerce Committee and the Congress.

I would like to note at this point my deep appreciation to Bill Grader of Fort Bragg for his valuable assistance in helping to organize this hearing in San Francisco today. Bill is an invaluable resource of information about the important issues of the northern coast of California, and I am always deeply grateful for his help.

The witnesses who will appear today represent many different segments of the northern California fishing industry and come to San Francisco from as far away as Santa Barbara and Eureka. In addition, we will hear from governmental agencies and conservation and recreation organizations, all of whom have a vested interest in the important issues we will discuss today.

I want to receive the views of all sides and all groups in detail. My intent is to see to it that the interests of all concerned are served by whatever legislation ultimately comes out of the Congress.

With that, I will call the first witness, the Honorable Barry Keene, Assemblyman of California, Second District.

Good morning.

Mr. KEENE. Good morning.

**STATEMENT OF BARRY KEENE, ASSEMBLYMAN, 2D DISTRICT,  
STATE OF CALIFORNIA**

Mr. KEENE. Mr. Chairman, I'm Assemblyman Barry Keene. I represent the north coastal counties of California in the State Assembly from Marin County up to the Oregon border.

Fishing is a major industry in my district. Both commercial and sports fishing contribute significantly to the economy of the north coast of California, and, of course, the well-being of my constituents. More importantly though, food from the sea increases in significance daily for an increasingly protein-short human diet worldwide.



I want to express my sincere appreciation to you, Senator, for holding this hearing here today so that Californians who have deep concern over ominous threats to our fishery resources can make their views known to your committee and to the Congress. And I wish to thank you for your earlier demonstration made informally last year in San Francisco of a group of fishermen of the north coast.

I support S. 1988's proposal for a 200-mile jurisdictional zone for coastal fisheries. I support it because it is our best hope for saving our coastal fishery resources, resources which appear to be seriously threatened, and which we know far too little about.

There are some things, however, that we unfortunately do know.

We do know that these resources are limited, in some cases quite limited.

We do know that foreign fishing fleets, often government supported, with their large and swift modern vessels, possess the capability of wiping these resources out. We need only review, I think, our own sad experience with the seemingly limitless sardine resources that were effectively destroyed by our own relatively small fishing boats back in the 1940's.

We do know that when the Soviets continue to take massive quantities of hake and ocean perch, if that is all they take, that the critical food balances of the ocean is changed. What we do not know is the effect of this sudden and dramatic change.

We do know that our own trawlers now experience difficulty in finding ocean perch, and that the supply of hake in some parts of the Pacific is reported to be dwindling.

We do not know if the Soviets, the Japanese, and the Koreans are taking our salmon, but we do know that they have the capability to do so; and, of course, the inspection procedures are grossly inadequate.

We do not know if they are damaging our Dungeness crab, but we do know that something is certainly causing the disappearance of those crab.

We also know that we restrict our fishermen by season, by gear, by size limit, by the areas of fishery, and in many other ways, in an effort to conserve our resources, but the foreign fishermen take any amount, any size, anywhere, anytime, utilizing highly efficient but hardly self-sustaining fishing techniques.

Just this year, the California Legislature in a conservation effort enacted a law placing a 500-ton quota on the take of herring. Without venturing to say whether or not this is a realistic quota, I simply point out that the Polish sailors, due here next year to fish our anchovy stock, can take twice those 500 tons in a single set.

The saddest part of the whole thing is that we are just beginning domestically to wake up to the necessity for conservation measures. Now, it may be much too late. We are severely restricting American industry from dumping our wastes into the oceans in an effort to maintain a healthy environment for our ocean resources. We now have aquaculture scientists and technicians who are beginning to study ecological systems whose survival we no longer take for granted. We are also seeing the flow of public and private moneys into fish hatcheries and rearing ponds.

Witnesses who will appear later will testify in greater detail on these matters.

Let me just point out that while we agree that the three species concept is probably the best long-term approach to management of ocean fishery resources, the Law of the Sea Conference is yet to be convened, and agreements worked out at that conference, if agreements can be reached, will be many years in their application. And our horse may well be gone from the barn if we wait.

The three species concept is a statesmanlike approach, and we applaud it. I think it is past time that we employ some aggressive conservation techniques now, so that we have something left to act like statesmen about later.

Therefore, I respectfully urge you, Senator, to press for passage of S. 1988 to help save our fishery resources.

Thank you very much.

Senator TUNNEY. Thank you very much, Assemblyman Keene. I know of your very dedicated and sincere interest in protecting the fishing industry in northern California and I've had the opportunity to speak to you about this problem at considerable length, since you and I have become responsible to our respective electorates for meeting their needs.

I held a hearing in San Diego yesterday on this matter and we had two Congressmen from the San Diego region that testified very strongly in opposition to this bill. They really made it very clear that they thought it was a devilish inspiration behind the drafting of the legislation, and they said that it would do severe damage to the commune of San Francisco; it would destroy the tunafishing industry; and that it was a representative violation of international law; that this was unilateral action on the part of the United States, which showed that we had no confidence in the Law of the Seas Conference; that Mexico would follow suit; and there were many other arguments that were advanced in opposition.

Now, I recognize that you have to represent your constituents and I represent my constituents, and they represent their constituents. It just so happens that my constituents are 22 million in the entire State of California.

I wonder if you have had an opportunity to evaluate this legislation from the perspective of the tunafishing industry and, if you have, what your conclusions are as to the impact of this legislation on that industry, which the tuna fishermen argue is 85 percent of the total fishing industry in California.

Mr. KEENE. I believe that there would be some very beneficial effects for the tuna industry in the long run resulting from this legislation because I believe that this legislation would spur on the Law of the Seas Conference, and create leverage to bring about reasonable agreement, and I believe that so long as this legislation would be recognized as an interim measure until such agreement is reached with a more statesmanlike approach worldwide, we would expect in the three species concept that it would be beneficial. I believe it would not be injurious to the tuna industry and perhaps they feel that they're taking unnecessary risks in supporting this kind of legislation, but certainly from the standpoint of the fishermen

in other parts of California, in other parts of the Pacific Coast, they would not feel it would be any reasonable risk. The hope would be, however, it would ultimately spur a more sensible result world-wide, something like the three species concept.

Senator TUNNEY. Well, thank you very much, Assemblyman. I sincerely appreciate your contribution to these proceedings and the statement that you made shows that you have given a great deal of thought to the problem, and I think that your assistance in our deliberations is very valuable, and I want to thank you personally.

Mr. KEENE. Thank you, Senator.

Senator TUNNEY. Our next witness is Vice Adm. Mark A. Whalen, Commander, 12th Coast Guard District, San Francisco.

Admiral, it's a great pleasure having you here. We thank you very much for making yourself available for testimony to our committee.

Admiral WHALEN. Yes, sir.

Senator TUNNEY. Thank you. Will you proceed.

**STATEMENT OF VICE ADM. MARK A. WHALEN, 12TH COAST  
GUARD DISTRICT, SAN FRANCISCO, CALIF.**

Admiral WHALEN. Mr. Chairman and members of the committee, I appreciate the opportunity to be here today to furnish you information concerning proposed legislation to extend the contiguous fisheries zone of the United States to 200 miles.

I am Vice Adm. Mark A. Whalen, USCG, Commander of the Pacific Area and Comdr. of the 12th Coast Guard District. I have with me Comdr. Gordon H. Dickman, USCG, Chief of the Intelligence and Law Enforcement Branch, 12th Coast Guard District. I would ask your permission, Senator, to have Commander Dickman participate in this hearing.

Senator TUNNEY. Of course. It's a pleasure to have you here.

Commander DICKMAN. Thank you.

Admiral WHALEN. In my position as Commander, 12th Coast Guard District, I have the responsibility to carry out all statutory missions of the Coast Guard in my area of authority, among which, of course, are Coast Guard responsibilities for enforcement of fisheries laws and treaties. This statement reflects my official and personal views, but does not have formal administration clearance, due to the fact that the administration's position on this question is presently being formulated.

I would like first to outline the nature of foreign fishing operations off northern California, indicate what the Coast Guard response has been in our enforcement mission, and then comment on the proposed extension of the contiguous zone.

The Soviet Union has been the major foreign fishing nation to conduct operations off the California Coast in recent years. Their efforts have been directed at catching Pacific Hake [Merluccius Productus], a fish which is little utilized in the United States. For the most part, Pacific Hake fishery is conducted off Oregon and Washington, although during 2 of the past 4 years, a relatively large

number of Soviet vessels have appeared off northern California, especially near the beginning of the season.

There is no question that there has been an increase in the number of Soviet fishing vessels which have been operating off the northern California coast in the last few years. In addition to the increasing number, there has been a change in patterns. From 1970 to 1972, the Soviet fishermen started their activities in the area between Eureka, Calif. and Coos Bay, Ore., with an average number of vessels of 10 to 14, with very little activity south of Cape Mendocino. In 1973, however, we found that fishing activities began as early as May, further south off the Farallon Islands, and then moved north. The pattern for 1974 is following that of 1973, except that the Soviets have now appeared in March and in greater numbers. Fourteen Soviet vessels began operating south of the Farallons in March, and there are 32 operating in the area at the present time.

Senator TUNNEY. There are 32 now?

Admiral WHALEN. Yes, sir. This is, of course, the greatest number of Soviet vessels ever to have operated off California at any one time, although it is only about 40 percent of the maximum number of Soviet vessels operating off the combined area of Oregon, Washington, and northern California last year.

The only other foreign nation to have conducted fishing off northern California recently has been Japan, which has usually had three or four vessels operating about 50 miles off the coast in the past 4 years. There has been no reported Japanese fishing off northern California so far in 1974. One East German and one Polish vessel operated off the Oregon and Washington coasts last year, conducting a hake fishery similar to the Soviets.

My second point. With regard to our enforcement program, we utilize aircraft and vessels from all three Coast Guard District Commands on the West Coast. The current concept is to use aircraft to locate the concentrations of foreign fishing vessels and to identify the vessels which are present. This is accomplished in northern California by aircraft from San Francisco, which conduct two patrols weekly from Santa Cruz, Calif. to Coos Bay, Oreg., during the fishing season.

Cutters are assigned to fisheries patrol duty in such a way that one cutter is always on patrol duty throughout the fishing season. This cutter is deployed in the area of major foreign fishing vessel concentration, and in conjunction with patrol aircraft insures that U.S. laws are enforced, bilateral agreements are respected, and the activity of every foreign fishing vessel operating off the West Coast is identified. Furthermore, the 12th Coast Guard District maintains other cutters and aircraft in readiness to investigate complaints of illegal activity, or to conduct routine patrols of different elements of the foreign fishing fleet when the foreign fishing fleet divides into different areas of operation. Individual statistics are available, as regards aircraft and ship hours devoted to this mission, if desired.

The third point. With regard to the proposed extension of the contiguous fisheries zone, I would first like to state that the responsibility for developing and presenting to the Congress the admin-

istration's position on this question is vested in the interagency task force on Law of the Sea. This body comprises representatives from the Departments of State, Defense, Commerce, Treasury, Interior, Transportation, and Justice, and from the Council on Environmental Quality, Environmental Protection Agency, and the Office of Management and Budget. The position being developed is presently being cleared within the executive branch.

Basically, the position being cleared recognizes the problems of U.S. fishermen, the potential depletion of our natural resources, and the need for a solution. It is believed, however, that the best solution can be obtained through multilateral agreement at the forthcoming Law of the Sea Conference in Caracas, Venezuela, in June of this year. It is my opinion that unilateral action at this time might serve to undermine the Law of the Sea Conference. The administration has proposed that any agreement reached by the Law of the Sea Conference take effect on a provisional basis immediately, pending entry into force of the treaty. The Coast Guard defers to the interagency task force, as regards the administration's position in the proposed extension of the contiguous fisheries zone.

The Coast Guard will, of course, cooperate fully with Congress in developing and furnishing any information necessary.

If the contiguous fisheries zone is extended to 200 miles, the impact on the Coast Guard's enforcement mission off California would be directly dependent on the extent to which foreign fishing is permitted in this zone. Although the fishing areas are known and constitute a narrow band well within even a 100-mile zone, and the season is predictable, it is felt that if the proposed extension becomes law, additional resources would be required.

Extending jurisdiction over anadromous species originating in the U.S. waters, would be difficult to enforce outside of the contiguous fisheries zone. In the absence of jurisdiction by the Coast Guard to board foreign vessels on the high seas, it would be nearly impossible to obtain evidence necessary for successful prosecution or to substantiate a formal protest.

In summation, I realize that a few of our fishermen feel that the Coast Guard enforcement position in California waters is not as extensive as it should be, but I do not agree with this premise. I feel that we have a very accurate picture of where the foreign fishing fleet is operating, that we have vessels and aircraft conducting surveillance at the required level, and I know we will continue to do so. The Soviets know we are there, and I feel they are extremely careful not to violate the existent zone, due to the always present potential of being apprehended.

I believe that we should defer any unilateral extension of the contiguous zone until multilateral agreement can be reached by the Law of the Sea Conference, which we all know will have as its objective the improvement of the existing situation.

Mr. Chairman, I thank you for the opportunity to be here. I'll be happy to endeavor to answer any questions which you may have, sir.

Senator TUNNEY. Admiral, thank you very much. I particularly appreciate the fact that you gave us your personal opinions at a

time when the administration has yet to formulate a basic policy approach. It would have been very easy for you to say that inasmuch as the administration has not formulated that policy, that you are taking the bye on offering any personal opinion, and I think that it's helpful to have your views, your frank views.

I am concerned about the question of the penetration of the Soviet trawlers and fishing boats, as well as the fishing boats of other foreign nations into the 12-mile limit, as well as any proposed extension of that limit out to 200 miles. I've heard a number of fishermen say they are convinced that the foreign fishing boats are operating within the 12-mile limit and that because of the Coast Guard's limited resources and inability to adequately patrol the fishing zone, that you just aren't catching them. Would you care to comment on that?

Admiral WHALEN. Yes, sir. I would. I know this is a controversial question, particularly around the Eureka area. I've been up there many times on meetings, as well as other types of professional discussions, and to use a trite expression, sir, different ships, different long splices. I can't say that an incursion has never taken place. It would be foolish of me to make such a statement. I feel though that what I've outlined, the aircraft capability and the vessel patrols that we run, that I think we've been carrying out the maximum enforcement that is called for at the time. I'm well aware of differences of opinion sir; I'm very conversant with it; but I must take the stand on what we do and how we operate, the number of aircraft hours and ships available that we have. I feel the required efforts to preclude entry. I cannot say it is, of course, 100 percent effective. That would be a foolish statement for me to make.

Senator TUNNEY. It's also impossible to prove the negative.

Admiral WHALEN. Yes, sir.

Senator TUNNEY. There's no way that any of us can do that. I'm interested with respect to your procedures. If you were to catch a Soviet trawler within the 12-mile limit, what would you do?

Admiral WHALEN. We would board and seize and bring them in. This procedure has been followed, sir. Within the last 8 to 9 months, this fiscal year, there have been several seizures up in Alaska and the procedure is very well established. The violation is proved by the fact that we have our position, we know where he is, we know he's inside, and then they are boarded, seized, and taken into the nearest port for required action.

Senator TUNNEY. If the zone were extended out, if the territorial waters were extended out to 200 miles, would that substantially increase the area that you would have to patrol in order to protect our fisheries? You mentioned in your statement that the fishing areas are somewhat circumscribed, and I would like to know what you feel the impact would be on your patrol procedures in order to protect the fisheries and how much more in the way of money and manpower would be needed to adequately enforce the 200-mile territorial limit.

Admiral WHALEN. If we begin from the premise, sir, that it's complete exclusion, and you will note, as I mentioned in my statement, that increase of our enforcement capability would be de-

pendent upon what is finally resolved. If, for example, there were certain zones within the 200 miles that were set aside that could be fished by foreign fishing vessels at certain times of the year, or if we aimed at a specific type of fish or in the areas of greatest fishing potential these variables would govern. However, if there was complete exclusion from 200 miles off our coast and the Coast Guard was required to insure the fact that no foreign fishing vessel were permitted into that zone, then we have, I am certain, figures here to indicate what potential we would need, particularly of surface craft.

Senator TUNNEY. What is that? If they're very extensive, maybe you could give them to us for the record.

Admiral WHALEN. I'd be pleased to insert them in the record, sir.

Senator TUNNEY. Fine. Could you just give us orally a summation of what it would be?

[The following information was subsequently received for the record:]

12th COAST GUARD DISTRICT COASTAL FISHERIES ENFORCEMENT ACTIVITY—FISCAL YEARS 1970-74

Year	Vessel days on patrol	Aircraft hours on patrol
1970.....	71	90
1971.....	84	264
1972.....	95	232
1973.....	93	377
1974, Apr. 19, 1974.....	45	173
Projected fiscal year 1974.....	102	---

ADDITIONAL RESOURCE REQUIREMENTS

The following are estimated costs for additional resources which may be required if a 200 mile Contiguous Fisheries Zone (CFZ) were established.

Type of resource	Annual operating costs (each)	Activation costs (each)	Acquisition costs (each)
High endurance cutters (HEC).....	2,800,000	11,100,000	22,000,000
Medium endurance cutters (MEC).....	1,100,000	-----	10,800,000
Long-range search aircraft (LRS).....	1,140,000	-----	3,329,000
Medium-range search aircraft (MRS).....	600,000	-----	2,810,000
Helicopters for shipboard use.....	276,000	2100,000	-----
Support.....	( <sup>3</sup> )	-----	-----

<sup>1</sup> 6 HEC Cutters currently in reserve for servicewide use.

<sup>2</sup> 17 HH52 Helicopters currently in reserve for servicewide use.

<sup>3</sup> Approximately 10% additional.

Resource requirements would be predicated on a number of variables. These variables include enforcement approach, degree to which foreign activity would be permitted within CFZ, and seasonal, species or methodology controls imposed in CFZ or on anadromous species.

CONCEPTS OF OPERATION

1. Cutters 60 miles apart along 200-mile perimeter with aircraft coverage of the zone twice weekly.
2. Cutters 400 miles apart along 200-mile perimeter with aircraft coverage of the zone twice weekly.
3. Cutters patrol active foreign fishing areas with aircraft coverage of the zone twice weekly.

Admiral WHALEN. Yes, sir, I could. It would depend, of course, on what type of patrol we thought was necessary. If, for example, we decided we had to have a line of ships 60 miles apart, and I'm speaking now solely on the west coast—surface patrols run 60 miles apart. We have at the present time 6 high endurance cutters that could be reactivated at a cost of activating each vessel of \$1 million and the operating cost, is \$2.8 million for each vessel to be reactivated and to be manned and operated around the clock during the fishing season.

The next type vessel we would use, we call a medium endurance cutter. The operational cost of those vessels, and these are past figures, sir, that we can utilize, is \$1 million for a year's operation. I won't get into the details of different type of aircraft, long range search, medium range search, HH-52's, which are the helicopters that may have been put aboard the vessels. The reactivation cost I think is most cogent. We have some 17 of these HH-52's in the boneyard right now. By boneyard, I don't mean they're not fit to operate. They just have been kept in supply for any future particular need. The reactivation cost is \$100,000 to have these aircraft put back in operation.

If we extend it out and say have vessels 400 miles apart patrolling, the cost then would be reduced; but, in summation, if we had to carry out full abstention within the area of 200 miles, it would be mandatory that the Coast Guard have increased capability for aircraft and vessels to so do.

Senator TUNNEY. Now, are we talking just about the coast of California, or are we talking about the entire Pacific Coast?

Admiral WHALEN. I'm talking of the entire Pacific Coast, other than Alaska, sir. This does not apply to the enforcement procedures and patrols in Alaska. The procedures apply, but as far as any necessity of desire, as to what has to be done in the Alaskan patrol waters, my comments here only refer and particularly they refer to my area of responsibility, namely this 12th Coast Guard District, which runs from the Oregon line down to the south of San Luis Obispo: The general picture I gave you, sir, of increased patrol, I am then speaking of the California coast, Oregon, but not Alaska.

Senator TUNNEY. Washington too?

Admiral WHALEN. Sir?

Senator TUNNEY. Washington, sir?

Admiral WHALEN. Washington, yes, sir.

Senator TUNNEY. I did not copy down the figures as you announced them. I was wondering if you could just give me a general rough estimate of what that would mean per year in additional expenditures for the Coast Guard.

Admiral WHALEN. The reason it's a little difficult, sir, is that the decision has not been reached as yet, of course, in taking upon the Law of the Seas Conference, as to what type of enforcement we would go to.

Senator TUNNEY. I understand that completely. You've made that extremely clear in your statement and it's very helpful. I'm just wondering if you had complete exclusion when you used those figures, what you were talking about.



Admiral WHALEN. Well, let's take for example, sir, right now, if we'll back up a minute, we have in the 12th Coast Guard District two medium cutters. In the 13th district, which runs from the Oregon line north, there are four. Now, those are the vessels I have referred to that are carrying out the job at the present time, and there's an additional one vessel in the Long Beach area which participates in the patrol. Rather than having one vessel say on patrol, as we do, as the season picks up, we have two. If we decided, for example, we had to have six vessels out there at all times, I'm going to strike an average between the operational cost of the high endurance cutter, our major vessel, and the medium endurance cutter, which is a smaller type ship, averaging out at about, rounded off, \$2 million per vessel operating cost, this is a 12-month figure, so I would say, sir, that per vessel I would say \$2 million as an average cost, if six were out there all the time. I'm giving you the maximum now for complete exclusions.

Senator TUNNEY. So that would be what, \$12 million?

Admiral WHALEN. Yes, sir.

Senator TUNNEY. And how about support?

Admiral WHALEN. I'm sorry, sir?

Senator TUNNEY. How about support?

Admiral WHALEN. The figures I gave you, sir, are only in the area of operational cost for the vessel, when the cost issue is brought up, and full exclusion was the law of the land, there's going to have to be support as far as potential additional administrative costs, as well as additional cost facilities. I'm not trying to paint a gloomy picture, sir. I'm trying to be as factual as I can to explain this point of increased support if we get into full exclusion.

Senator TUNNEY. When we talk about a reasonable figure for support, are we talking about a quarter of what the operating expenses are for the vessels, another 25 percent to support? What is the ratio in your own budgetary considerations? You must have a lot of experience in this area. Are we talking another 25 or 50 percent for support?

Admiral WHALEN. No, sir. I don't think the figure would be in that high an area at all. I may be conservative, but I'd rather be on the conservative side than the side that's going to exaggerate. I would say 10 percent possibly, and here again I say the reactivation of the vessels and the operating cost of them would be the greatest. When I mentioned port facilities and administration costs, realizing we're talking about the whole coast of California, I don't think there would be too much additional cost to worry about as far as port support and what's needed to accomplish such as that, sir.

Senator TUNNEY. Do these vessels and aircraft that you presently have patrolling and that you would, if you had to have patrol a 200-mile territorial limit, have more than one mission?

Admiral WHALEN. They do. As a matter of fact, sir, the Coast Guard is an eight-mission organization. These vessels perform these eight missions right now, and I'll run down very generally what they are, sir. We had a hearing on environmental protection, which as we know, the matter of polluting of our environment is one of the

nation's major concerns at the present time. Our vessels and aircraft are used for regularly scheduled pollution patrols and for other maritime law enforcement purposes, which, of course, we're discussing right now, is an issue. Same thing, U.S. Merchant Marine, military readiness of the Coast Guard, oceanography, meteorology, and polar operations, port safety, Coast Guard Reserve, and the most important in my opinion, search and rescue, saving people's lives. The vessels and aircraft that the Coast Guard have are not sole mission dedicated. They're multimission vessels, sir, and aircraft.

Senator TUNNEY. If you had these additional ships on the line, would they be able to assist you to perform your other missions to a greater extent that is presently possible of the number of ships and aircraft that you have on the line?

Admiral WITALEN. By all means, Senator. Any increase of potential in our whole business whereby we have additional aircraft and additional vessels, and they again would not be dedicated merely to the one mission of maritime law enforcement would be helpful. This would, of course, increase our capability to do our job in the other areas that I enumerated, sir.

Senator TUNNEY. Well, I for one have felt that the Coast Guard has been underfunded in order to accomplish the mission that we expect from them, and I realize that there are priorities in our defense budget, but I've felt that the Coast Guard could use an additional amount, that you perform an extremely valuable service to the American people, and I am not sure that an argument ought to be used against these additional seacraft just because it would increase the expense in order to patrol the 200-mile limit. Maybe we'll need those additional cutters and seacraft to perform those other missions. Do you care to respond?

Admiral WITALEN. Well, Senator, I appreciate that comment. In about 2 months, I'll be retiring from the Coast Guard with some 41 years of service, and I know of what I speak as far as maybe never having enough. Looking back, we've gone a long way, but we still have more in our lap than we have the capability in some areas to do the job with.

Senator TUNNEY. With increased tanker traffic from Alaska, what is your attitude with respect to having more Coast Guard vessels out at sea to patrol those tankers?

Admiral WITALEN. I believe you're speaking, sir, of the ultimate Transalaska Pipeline, coming down from there ultimately. We are already working on one facet of that as far as up in the 17th Coast Guard District is concerned, of establishing traffic lanes. Also, looking ahead as far as—assuming for the purpose of discussion that one of these big water hangars are established out in San Francisco—As you know, we've drafted some of the vessels that ultimately will be used in this. They exceed anything in San Francisco Harbor. This is going to be an additional load; there's no question of it; and this comes right in the area of marine environmental protection. Whether or not the Coast Guard was considering or will get to escort any of these vessels down, similar say to World War II convoy duty, that the impact of the Transalaska pipeline and the tankers coming down is in no question going to add to our

responsibility and the capability to assure that we cut down potential pollution to the bare minimum. One can never say that there'll never be a collision. I forbid that we have one as we had in the Golden Gate here in 1972, but I think we are gearing up to this. It's equally important to our law enforcement mission, but to answer your question directly, sir, it will increase the load.

Senator TUNNEY. I think you've answered this question in another way, but is it fair to summarize your testimony by saying that you feel that you are able in the Coast Guard presently to satisfactorily contain any foreign fishing vessels incursion into the 12-mile limit along the coast, along the Pacific Coast of the United States, and that you are able to identify those ships that come into our waters with particularity and with success and that you do not feel that there really is at the moment a serious problem of foreign fishing vessels moving within the 12-mile limit and fishing within that 12-mile limit?

Admiral WHALEN. Senator, I'll answer that in the affirmative.

Senator TUNNEY. Thank you very much.

Admiral WHALEN. Thank you very much, sir.

Senator TUNNEY. Good luck in your retirement. I hope you're going to stay in the San Francisco area.

Admiral WHALEN. Thank you, sir.

Senator TUNNEY. Our next witness is Mr. Dennis Grotting, Fishermen's Marketing Association, Eureka, Calif.

Mr. Grotting?

**STATEMENT OF DENNIS GROTTING, FISHERMEN'S MARKETING  
ASSOCIATION, EUREKA, CALIF.**

Mr. GROTTING. Senator, my name is Dennis Grotting. I am Secretary Manager of the Fishermen's Marketing Association. A rough draft of my testimony was submitted rather late yesterday afternoon.

Senator TUNNEY. I have a copy of it.

Mr. GROTTING. As I testify, I will add to, alter, and in some cases delete from it.

This marketing association represents over 300 fishermen who fish on and operate some 85 trawlers based from Sausalito, Calif., up to Winchester Bay, Oreg., which is about 20 miles north of Coos Bay. In their fishing efforts, these boats fish as far south as Monterey and as far north as Newport, Oreg.

I have with me today several members of the Marketing Association. To my left here is Mr. Basil Warnock. He is from Coos Bay, Oreg., and he has been fishing on trawlers out of the Coos Bay area ever since the Soviets first arrived here in 1965 and 1966. If there are any questions that I can't field, I'm going to rely on Mr. Warnock's personal experience during the months of his survey of the fleet.

Also with me in the audience is Mr. Richard Evernow, the president of our marketing Association. He is from Crescent City, Calif., and he's the owner-operator of the fishing vessel, *Jeanne Arain*.

And from the southern end of our marketing area in Sausalito, we have Mr. Leonard Dorio in the audience with us. He is the skipper of the trawler, *Q. T.*

Now, as I testify today, if you have any questions that you would like to ask during my testimony, I would certainly be willing to respond during the testimony, rather than waiting till the end, because there's going to be a lot of areas covered here, so I'll just leave it up to your discretion, sir.

Senator TUNNEY. Fine, go ahead. Please start.

Mr. GORTING. In my written testimony, I mention that the target specie of the Soviets was Pacific hake, a fish that was not being harvested by U.S. fishermen. I should point out that hake has not been harvested by west coast trawlers because there have been ample quantities of fish prior to the time of the Soviets arriving and hake was, in fact, a so-called inferior specie and there was not a market for it. However, because of the depletion of stocks of other species, professors are testing the marketplace for the sale of hake; and, at the present time, we have two Oregon processors that are gearing up for hake processing. Mr. Lawrence Lazio, who will be testifying following my testimony could probably expand on this situation and answer any questions you have regarding the market for hake and so on.

I provide some statistics during the testimony where it states that the total groundfish caught from the California, Oregon, Washington, and British Columbia area totaled 1,691,900 metric tons for the years 1967 to 1972. This is computed out in pounds and it comes to 3.7 billion pounds of fish, which is an awful lot of groundfish. It's interesting to note that the total percentage catch of the United States and Canada only caught 28 percent of that quantity. The balance was caught by the Soviets and the Japanese, the lion's share, of course, going to the Soviet fleet.

In my written testimony, I mentioned the fact that many State Department officials, National Marine Fishery scientists, State fish and game representatives, and U.S. commercial fishermen question the validity of the Soviet and Japanese catch statistics, since these statistics come solely from these governments. To clarify this, I might add that one of the scientists would probably say, "that there is reason to doubt the accuracy and position of Soviet catch statistics." At the other end of the spectrum, a fisherman would say, "The statistics we get from the Soviets are what they want to give us, period, and nothing more. They portray what the Soviets and the Japanese want us to believe they do." All we can really say with certainty is that the figures they give us are what they admit to catching.

Next, my written testimony deals with the factor of the incidental catch of the Soviets. The combined Soviet and Japanese catch of all the fish caught, 3.7 billion pounds, 76½ percent of this was hake. The remainder was primarily rockfish and flatfish, species that are very important to our west coast trawl fishery.

Now, the Soviet catch, 15 percent of their catch was caught incidental to their fishing for hake.

Once again, these statistics are Soviet statistics. We have to depend on them, but we don't have access to them.

Now, it is this incidental catch that wiped out the Oregon commercial fishery for Pacific Ocean perch. It's also this incidental catch

that has depleted stocks of rockfish in California, Oregon, and Washington.

I'd like to add to my testimony by saying this, I should point out that during the first years of the Soviet fishery for hake, which was 1965, and very heavily in full force in 1966, they also fished for Pacific Ocean perch as a target specie. This also applied to rockfish to some extent. The passage of the 9-mile contiguous fishing zone in late 1966 and subsequently bilateral agreements alleviated this problem to some extent. However, by that time, the stocks had been decimated. The continued incidental catch by the Soviets is holding the stocks of the Pacific Ocean perch and rockfish down to levels, particularly with Pacific Ocean perch, where it's just not economically feasible to fish them. Statistics in the Oregon area show that the catch of Pacific Ocean perch in a selected area dropped from 14 million pounds to 1 million pounds.

Now, one of the things that we have to look to is this. The Soviet catch of hake so dominates their fishery that it masks the catch of other species. When the catch of hake is removed from the Soviet statistics, the impact of their incidental catch is revealing. The National Marine Fishery Service in Seattle studied catch data from various sources, did some estimating, and so on, and came up with the following conclusions.

The Soviet incidental catch, as I said, was combined with the catch of Japan for the Oregon and Washington area. They were then compared to the catches of U.S. fishermen in the same area for the years 1970 to 1972. The 3-year average distribution of catch was as follows, and the graph on the top of page 3 shows that. Of all the rockfish caught in the Oregon-Washington area, the United States caught 39 percent of them; foreign fleets caught 61 percent. Sablefish, it was even more drastic, with the United States catching 9 percent, foreign fleets, catching 91 percent. Flatfishes, the United States caught 60 percent, the foreigners, 40 percent. Other species, the United States, 41 percent, foreigners, 59 percent. When those figures are proportioned to the total amount caught, the total U.S. catch of these species was 47 percent and the incidental catch of the Soviets and the direct catches of the Japanese of these species was 53 percent of the catch. The point is this: When the combined catch of the Soviets and Japanese of Pacific Hake is compared to the catch of U.S. trawlers, the foreign catch still exceeds that of American fishermen.

Now, we have bilateral agreements with the Soviet Union that have been in existence since, I believe, approximately 1967, which came about after the 9-mile contiguous fishery zone law came into effect in 1966. I've been serving in my capacity as secretary-manager of this marketing sales distribution for 2½ years and have been familiar with the fishery in previous years because my family was involved in it. Now, I participated in the last bilateral negotiation of the agreement between the United States and the Soviet Union in February of 1973 in Moscow. Now, one of the provisions of the bilateral agreement, and this has been in existence for some time, refers to fisheries. Now, I will quote from the agreement between the Government of the United States of America and the Government of the U.S.S.R. on certain fisheries problems in the northeast part of the Pacific Ocean off the coast of the United States of America. Paragraph 6 of that document, which is dated February of 1973, refers to nets, and it says, and I quote:

The two governments will take effective measures to prevent the use by other nationals and vessels of liners of such mesh size as to retain immature

fish, in trawling for bottom fish, and will also take all measures necessary to insure the use in fishing for hake of bottom trawls with a mesh size in any part of the parts no less than 60 to 70 millimeters or 2.4 to 2.8 inches, stretched mesh, including one knot (two bars). It is agreed that there will be no marked change in the manner in which bottom trawlers are rigged and operated in 1973 and 1974.

What that says in essence is that the Soviets are to keep their nets at a certain mesh size so immature fish will be allowed to escape.

Now, Soviet nets or portions of these Soviet nets are found every year by American fishermen and just last week on the 11th of April a portion of a Soviet net was retrieved from the ocean by Captain Roy Wilson of the trawler, *Dare II*, some 25 miles west of Winchester, Oreg. I brought a sample of that net, and I'd like to show it to you to illustrate the point I'm trying to make.

The upper portion of the net known as the intermediate was this size, 2½ inches. It complies with the agreement. I would also like to show you the size measurements of the American nets from the same portion of the net. This is the size of the mesh in the American nets in the same portion, called the intermediate, approximately 4½ to 5 inches. This is 2½ inches. When we get down to the money end of the net where the fish come together, the situation gets a little bit different. I might add that the mesh size in the upper part of the net doesn't necessarily have that much importance, as far as taking the fish, because the net just serves to guide the fish in. They continue in the flow of the water and eventually when they get down to the very end called the cod end, that's where they stay and that's where they have to get out.

Now, the U.S. net, the cod end is made up of the same size mesh, approximately 4½ inch mesh. It's a little bit larger in California, smaller in Oregon. This is 4½ to 4¾ mesh, and the entire cod end, the entire part of the net, is single mesh. At the very bottom, it may be double, but it's—knot from knot, an immature fish can escape.

Now, let me show you the cod end of the Soviet net that was retrieved. It's a little bit dusty from the sediment from the bottom of the ocean. Now, the way the net is laid here, the cod end would be going this way and the intermediate and the upper part would be this way. Now, it goes this way, Basil. This piece of heavy cable, I didn't measure it, but there is three strands of cable. They look to be approximately 1 inch, go to reinforce the net as it runs lengthwise. The top half of the cod end consists of 2 layers of 4-inch double mesh net, and a 2½ inch line the same size as the intermediate. The bottom half of the cod end, the part that pulls along the bottom, consists inside of another 2½ inch layer and 1, 2—Where is that 4th one? There's supposed to be 4 here. The liner, 1, 2, 3 layers of 4-inch double mesh. Now, when these are laid one on top of another and the fish congregate in the bag, I'd like anyone to show me how any fish—I don't care how small it is—gets out. The smallest size mesh is 2½ inches, but the effect is the mesh size with the overlay is virtually zero. When this would be stretched tight, you can hardly slip a pencil through it, so while the Soviets are following the letter of the agreement, they certainly are not following the spirit of it because there aren't many fish larger than 1 or 2 inches that could get out of this most effective mesh, most effective net.

Senator TUNNEY. What do they make, fishmeal out of what they catch?

Mr. GROTTE. I really don't know. I assume they process most everything. I heard there's very little that goes back overboard.

Now, because we can not board and inspect foreign fishing vessels beyond our 12-mile limit, we, as Admiral Whalen specified, the observations must come from the Coast Guard boats. Now, I listened to Admiral Whalen's testimony and I would have to concur, certainly on the coast of California, Oregon, and Washington, for the last several years, we have not had the blatant violations that occurred in the earlier years of our 12-mile fishing limit. The Coast Guard is doing a good job of patrolling of the 12-mile zone. That's not to say that there may not be incursions occasionally. In fact, the Soviets are patrolling their own vessels to avoid international incidents and so on.

The problem really lies in what the Soviets are doing beyond 12 miles. We have a bilateral agreement with the Soviet Union that specifies that they will not conduct a specialized fishery for rockfish or sole. We have no way of verifying that they're living up to this because we can not board their vessels in international waters beyond 12 miles.

In your questioning of Admiral Whalen, you quizzed him on the cost of having a totally exclusive 200-mile fishing zone. Even if we have a totally exclusive 200-mile fishing zone, it's beyond reason that we could, because of the protein shortage in the world today, exclude all foreign nations from this zone. The point is this: that these vessels are operating completely unrestricted outside of 12 miles. We have no way of enforcing the mutual gentlemen's agreements that we have in the bilaterals. If we did happen to catch a Soviet ship catching rockfish beyond 12 miles, we would have to refer to the Soviet Union for action then.

When I envision with the passage of the 200-mile zone is the ability—is the licensing of these foreign fleets and the establishment of good, sound conservation and management regulations on these vessels, in the boarding of these vessels by Coast Guard or U.S. officials, and the inspections of their holds, the inspection of their nets, to verify whether or not they are following the management rules. That is the main crux of the problem with the whole thing, Senator, is that we just don't know what they're doing out here. We have many fishermen that will testify that they're catching salmon, so I certainly don't want to go into that area. The point is that officially we just have no way of finding out because there's just no way to get on board these vessels. Passage of a 200-mile fishery zone would provide us with the ability to call the shots inside of 200 miles, just like we can call the shots inside of 12 miles now. I think that's extremely important.

The Coast Guard also has the responsibility of enforcing these bilateral agreements to the best of their ability, as I understand it. Let's take the present situation now. My notes say there are 26 boats off of San Francisco, but I've talked to an official 2 days ago so it's out of date, I guess. It's 32 now. But the Coast Guard has been out virtually all of the time observing. I spoke with an observer that was on one of the Coast Guard boats here several days ago and he reported

that during his 10 days at sea, that he had observed 5 or 6 hauls of fish. And in these 5 or 6 hauls of fish, he had noted catches of hake and in only one instance had he noted rockfish, red rockfish floating from the net. They were able to get within 75 to 200 yards of these vessels with binoculars and observe. One of the problems, he said, was it's very difficult to see what they have in their nets because the end of the net was "like a sock." And there you go. How are you going to see anything inside of that?

The other thing that I would like to point out is the fishing gear of the Soviets is down in the bottom. If they are catching any type of fish that it is prohibited to the bilateral agreement, they simply have to leave their net on the bottom until the plane that's flying over or the Coast Guard boat that is following them gets tired of hovering around and standing by and goes off to check someone else. Then they will haul the net on board. This is indicative of the situation when this observer said that he had observed five or six hauls. If you have 25 boats making only four trawls a day, and they make many more, oftentimes make many more than that, Senator, because they operate 24 hours a day, but just 25 boats making four hauls on a day like today, that's 100 hauls or drags a day. Multiply that times 10 days. That's 1,000 drags are made in a 10-day period. Yet, this observer observed only five or six, which is less than 1 percent of the total nets hauled back. That's not a very good percentage. If the Coast Guard had the ability to go up in a helicopter and drop a man on board any vessel that he wanted to, inspect the catch and so on, go down in the holds and see what they have there, a lot of questions would be answered. A lot of questions would be answered, Senator. We'd find out whether they're catching salmon. We'd find out whether they're catching flatfish, perch, rock cod, and so on.

The size of the Soviet fishing vessels are in the 250- to 300-foot range. They dwarf our U.S. trawlers, which average 65 to 75 feet in length. Now, the potential of the Soviet fleet for wiping out of small coastal stocks of sole and cod is ominous. It is my own personal belief that at least most of the Soviet fleet is targeting—is presently targeting their fishery to hake and the Soviet annual catch of hake has averaged 150,000 metric tons. That's 330 million pounds. The total U.S. catch of all species of ground fish has averaged only 50,000 metric tons, which is 25 percent of the Soviet catch of hake. If the Soviets, or any other nation for that matter, chooses, they can target our small domicile stock, our small rockfish stocks, and wipe them out in a single season of fishing just like they did the Pacific Ocean perch in the seasons of 1966 and 1967.

Now, in addition to having the ability to harvest hundreds and thousands of tons of fish per season, these foreign fleets are extremely mobile. Only last summer, the Poles and East Germans each had exploratory fishing vessels operating off the west coast. The Poles have indicated that they will have an additional five vessels here in 1974. These vessels are here because the once fruitful fishing grounds off our New England States have been greatly depleted as a result of fishing pressure from more than 15 foreign nations, and it's probably 20 foreign nations. The stocks of fish are harvested to low levels. These fleets move on looking for new fishing grounds. Going halfway around the world is not uncommon.



Now, Senator, hearings have been held in Alaska. They've been held in New England, and I would like to stress to you the importance of you and your staff going over this testimony because there are real problems in those areas, just like there are real problems here on this coast of California, Oregon, and Washington, but our problems are small compared to the problems the New England fishermen are facing and the Alaskan fishermen. I could quote you some figures about the amount of bottomfish that's been taken out of Alaska that would boggle the mind, 5 and 6 billion pounds of fish every year, harvested by the foreign fleets, virtually unrestricted, in the Bering Sea and Gulf of Alaska area. With the ability of these fleets, they have the ability of coming down off our shores and conducting their fishery and under present law we would stand helpless while these vessels wiped out our stocks of fish. It is impossible to manage our fisheries resources when huge fleets of unregulated fishing vessels are scooping up our fish only 12 miles from our coastline. These fleets must be regulated so as to conserve and manage this valuable protein source, so we may be assured a perpetual supply of protein from the sea. In these times of food shortages, it is unthinkable to allow uncontrolled fishing at will. If allowed to continue, it will further deplete stocks of fish to the point where they will never recover.

The rest of my testimony is virtually unchanged. I might add a couple of things to it. My association is active in the National Federation of Fishermen and as president of this organization, been quite involved in it, also involved in it prior to being elected president a couple of months ago. The NFF thought up the species approach, Senator, and sold it to the State Department. The three species approach was developed by industry because it solved the problem of the—all American fisherman by identifying the three basic types of fish, coastal, anadromous, and pelagic. The problem was that the NFF three species concept called for ownership of the coastal species and the State Department's policy provides the United States with a preferential right, which would mean if we were not utilizing the species, we would virtually have nothing to say about that species. That's unacceptable. As far as the U.S. fishing industry is concerned, it's just not sound. We need a unilateral—a 200-mile fishery zone that's exclusive, where we have complete control of the management resources, complete control of the resources that swim within that 200-mile zone.

Now, I'm sure you heard a lot of talk yesterday in San Diego, as you mentioned earlier, regarding the Law of the Sea Conference. People would lead you to believe that that's going to be the solution. The Law of the Sea Conference has moved along very slowly. The U.S. position has not been well received. Now, the U.S. position is logical, but the majority of the nations of the world don't understand and believe the 200-mile zone is the logical solution. As far as they're concerned, and in fact, I believe the United States and the three species concept will accept a zonal approach for the management of coastal species. The handwriting is on the wall that these coastal species, whether the Law of the Sea Conference does come to a successful conclusion remains to be seen. The only possible thing that arises seems to be that one way or another a zonal approach will be the rule for the management of the world's fishery resources.

Now, our greatest fear is that if and when the United States moves and characteristically they follow slowly when it comes to fisheries matters because fisheries are about as low down the totem pole as you can get, and with the world food shortage, I think that's pretty much a head in the sand attitude, but our greatest fear is that when the United States finally moves to support zonal approach that they will call for and possibly settle for a nonexclusive zone rather than an exclusive zone. Now, a nonexclusive zone would give the United States very little power to deal with foreign nations fishing off our coasts when they say they are only taking species not fully harvested by U.S. fishermen.

Needless to say, my organization, both Fishermen's Marketing Organization, all the trawlers on the west coast, as well as the National Federation of Fishermen, is in complete support of Senator Magnuson's S. 1988, and we stand by to answer any questions you might have or provide any information. We have a sad story to tell. We're very much fearful of the capability of these foreign fleets and feel that something has to be done, Senator, in order to preserve these stocks of fish.

Thank you.

SENATOR TUNNEY. Thank you very much. I appreciate your very well informed statement, Mr. Grotting.

I have a few questions for you.

In our hearing in San Diego yesterday, it was alleged by several of the witnesses that originally the species approach had been a position that was arrived at through consultation on the part of all the various fishermen in the United States, the coastal fishermen as well as the tuna fishermen and others, and that recently the coastal fishermen have broken away from the agreement, and that you're now quoting the 200-mile limitation and that this does not reflect what had initially been the understanding of the entire fishing industry. Would you care to comment with respect to those allegations that were made that this happened and the way that it happened?

MR. GROTTING. In June of 1971, all sections of the industry met here in San Francisco. I was not a party to that. It happened 6 or 7 months before I took my present position, but they agreed upon a three specie concept, which included ownership of coastal anadromous species. The State Department, under pressure from the industry, or selling from the industry, however you'd like to state it, adopted the three specie concept; but, as I testified earlier, they pulled out the ownership aspect. Now, a lot of water has gone under the bridge in the last 3 years. The world situation has changed a great deal. The Law of the Seas has not been well received. Other nations of the world just aren't going to buy it. People in the State Department will say that, not officially, but they will say it. As I said, the world situation has changed. The fact that the United States position does not press for ownership exists a preferential position caused the National Federation of Fishermen to analyze their position again. It was opposed by the tuna segments of the industry, but with any type of situation like this, you can see the handwriting on the wall. Where a concept has no opportunity to

float, where our coastal species are being directly decimated at the rate they are, the NFF just felt they had to make this change, which they did.

The other side of the coin is that the American tuna industry, particularly the tuna seiners who are operating off the coasts of the other countries, have had the protection of the U.S. Government by paying fines, et cetera. This is all well and good, but that's the main hangup why we're not protecting our own coastal stocks of fish. A figure was stated, about 85 percent of the value of the catch of California was tunafish. The fact of the matter is that the bulk of that tuna landed is yellowfin tuna, virtually a fraction of a percentage of that is caught in California waters. The handwriting is on the wall worldwide for extended jurisdiction and I think we need to protect our own stocks of fish and develop our own fisheries for these stocks of fish within our own 200-mile zone. The Japanese and Soviets harvest over 5 billion pounds in the Bering Sea, and the United States, not having a fishery for any of these fish, it just kind of boggles the mind that we aren't developing this industry.

I might add the industry has started to develop up there.

I don't know if I've answered your question, Senator. I think times change.

Senator TUNNEY. I think you have.

Mr. GROTTING. I think times change and I think people have their head in the sand if they think that the 200-mile extended jurisdiction is going to go away. I'm just afraid the United States is going to hold off too long in attempting to protect the long-distance tuna and shrimp industry, that we're going to have some real problems. The United States, for example, it's my understanding, is negotiating an agreement with Brazil regarding shrimp, which actually—which in effect recognizes the right of Brazil to manage their fishery out to the range of 200 miles, and there's a licensing agreement that we had with our American shrimp boats; so, although I'm sure the State Department wouldn't admit it, our closest analysis of the facts would show that in the case of Brazil, they have recognized extended jurisdiction on the part of Brazil, and the American shrimp fishermen are going along with it.

Senator TUNNEY. It's my understanding that the treaty's already been negotiated and the United States has paid the Brazilian Government to enforce the treaty.

Mr. GROTTING. But it does provide for a specified number of shrimp boats fishing during the season in certain areas in waters beyond 12 miles.

Senator TUNNEY. One of the things which was pointed out yesterday in terms of catch quoted to me by a Mr. Charles Carry, who I know you are familiar with, who represented the Tuna Research Foundation, said that in terms of catch percentage and value, 51 percent of northern California fishermen account for 15 percent of the catch, 17 percent of the dollar value; southern California fishermen are credited with 85 percent of the reported catch, 83 percent of the dollar value. And he went on to point out that the vast portion of the southern California fishermen were fishing for tuna. I think this is a major industry and it is the major fishing industry

on the State, and he was using these figures to justify his position, his organization position, that we ought to be most concerned about protecting the tuna fishing industry, as contrasted with the coastal fishing industry and anadromous fish. What is your reaction to that testimony, sir?

Mr. GROTTING. Well, part of my answer to the previous questions follows along that same line with the relationship of the yellowfin tuna being caught beyond California waters. My main reaction to that would be that while the dollar value in the tuna landings may be greater than that caught in northern California, I believe you're going to hear testimony now from some albacore fishermen, who derive part of their income from sources other than albacore, and you'll find that albacore landings in California, Oregon, and Washington are a substantial portion of the tuna landings. They certainly exceed the landings of other tuna caught in the U.S. waters.

The other thing I would add is that I think you have to look at the whole picture. Include in California, Oregon, Washington, and Alaska, include the catches of shrimp, king crab, and snow crab, Dungeness crab, salmon, all up and down the coast, and then add to that the fish that the foreigners are catching, the hake stocks, 330 million pounds a year. Add to that the pollack stocks that the Japanese and Russians are catching and the yellowfin flounder that's being caught in the Alaskan area. If you added all of these total catches of fish within the waters of the—extended waters of the United States up to 200 miles, it would far exceed the total tuna landings, including the imports from foreign nations. The handwriting is on the wall. I think the nations of the world are going to manage their resources within 200 miles, and I think we'd better wake up to the fact and start doing this.

Perhaps the best—and I hesitate to say this, and I might say it happened just—I said at one time to one of the tuna people and I almost got punched in the mouth, I suggested with all of the pollack that's being caught by the Japanese in the Bering Sea, that perhaps the best thing to do would be to take their tuna boats and convert them to sand trawlers and go haul this pollack, although I'll admit the climate is not as good as it is around the Equator area.

Senator TUNNEY. Another point was brought up that by extending the fishing limit out to 200 miles, we would be sabotaging our negotiators' efforts at the Law of the Sea conference in Caracas, Venezuela. We would be changing our position from that which the negotiators are attempting to advance at the conference. What's your reaction to that?

Mr. GROTTING. On the contrary. I think that the threat of or the passage of Senator Magnuson's bill provides a great lever for them to get off their duff and get something accomplished that will protect the coastal and anadromous species of this country.

Senator TUNNEY. I think that their point was that we were advancing as our position in Caracas, Venezuela the view of the three species approach and not having a fishery limit up to 200 miles, as I understood it, and this unilateral action on the part of the United States was a demonstration that we did not have any confidence

at all that the Law of the Sea Conference is going to amount to anything. Therefore, we're taking unilateral action in order to protect what we think needs to be protected off our own coast, that this would have a very bad impact, and that other countries would immediately follow suit. Mexico, the Central American, and the other South American countries, in regard to these claims out to 200 miles, that they'd just follow suit and the position would therefore be torpedoed for whatever we've got going in substantive discussions. What is your reaction?

Mr. GROTTING. Well, that's an awful long question.

Senator TUNNEY. I know it's a long question, but answer it piece by piece or in totality as you see fit, but it's something which troubles me, and I wish you could just address various elements of the question as best you can. The question was not that articulate. I apologize.

Mr. GROTTING. Certainly. I attended last year for 2 or 3 days a portion of the Law of the Sea Conference that was being conducted in New York, and I was impressed with the almost total futility of the whole exercise. Fishery is only a portion of the total regime that they're discussing. When you apply this to what it means to the U.S. fisherman who is out dodging these foreign fleets, whether they be Russians or Japanese on the west coast or Poles, Rumanians, Bulgarians, and so on on the east coast, the promise of something being worked out at the Law of the Sea Conference is not very helpful to them, Senator. They see the stocks of fish that they depend upon being wiped out, their future existence being virtually threatened to be taken away.

The question undermining the deliberations at the Law of the Sea Conference are this. I think that the U.S. State Department has already accepted the fact that there is going to be extended jurisdiction for the protection of coastal species. What they're hoping for is that somehow they're going to be able to sell the idea on the difference of anadromous species and salmon and tunas, and I wish them well. I think that these species need to be treated differently. But by the same token, the coastal species of our Nation and other nations of the world are not being conserved and managed properly. In fact, they're not being—for the most part, they're not being conserved and managed at all.

We occasionally have—I'm not sure of the bill number, but there is a bill before the Congress now, which calls for a Federal fisheries regime in this country, which in effect has to exempt any foreign fishing vessels because they have no jurisdiction over them. Well, I for one and no fisherman in this country in his right mind is going to accept any kind of overall Federal regime for the conservation of fisheries that only applies to them and not to foreign nations that are harvesting the same stocks. We absolutely have to have management control, licensing, and regulation of all vessels that fish in a certain area, and the immediacy of the problem—this has been building up for years. The Law of the Sea Conference convened in 1958, came to some conclusions. The problem was that not all the countries of the world ratified it, including the Russians and the Japanese. I don't know the particulars of that particular conference, but I know that

this Law of the Sea Conference is predicated in the same manner, that if an agreement is reached 2 or 3 years down the line, it will have to be ratified. I know there's talk of whatever it is being agreed to being implemented immediately, but, Senator, the fish that are swimming around in our oceans being caught up by these foreign fleets don't understand the Law of the Sea Conference. They don't understand the 12-mile limit. They don't understand the State licensing of California, Oregon, or Washington and Canada; so, in view of all the comments that have been made regarding proponents of the Law of the Sea Conference, the United States position is one that has not been accepted by the other countries of the world. It's too complicated for them to understand. The simplistic approach is the 200-mile zone or something near it, and I know that the United States is going to—has already accepted in their mind that they are going to have some type of zoning of coastal species. The point is we need it now before more and more stocks of fish are wiped out.

Senator TUNNEY. Well, I'm informed that the State Department estimates the Law of the Sea Conference would take 1 or 2 years to develop regulations controlling the harvesting of fish. The United States proposed that regulations pertaining to fishery go into effect immediately after the Conference adopts them by final ratification by the nations involved, and it's been suggested to me that we wait at least 1½ years before unilaterally establishing a 200-mile fishing zone to see what progress can be made at the Law of the Sea Conference.

Do you think foreign fleets pose such a serious threat to our coastal fish that we couldn't wait a year-and-a-half to see if the Law of the Sea Conference regulations take care of the foreign fishing problems before unilaterally extending our fishing zone to 200 miles?

Mr. GROTTING. The problem with that is that the original date for the Law of the Sea Conference convened, I believe, in 1972. Two years later, it's ready to convene now. We've been waiting and waiting and waiting, and in my testimony earlier, I mentioned the fact that these foreign fleets have the capability of virtually catching anything they want to catch. I think these nations realize that there's going to be some type of controls over them. Some of these nations I'm very fearful of because of the competition with all of the countries of the world will in effect be coming in to catch all they can before they're regulated.

Yes, I think we need unilateral action now because it's going to come and our valuable resources that we have on the Continental Shelf of the United States, whether it be New England, California, Washington, Oregon or Alaska, are in dire need of proper management and conservation practices. I think if we wait for a year-and-a-half or 2 years that we may find that the Law of the Sea Conference has not concluded at all.

The only thing I would concede on that, Senator, is this, and I realize that the Law of the Sea Conference is imminent, coming up in June, I'm not that hopeful of Senator Magnuson's S. 1988 becoming law prior to that. I would say prior to this that we should take a good look at the Law of the Sea Conference and if there is no progress or it looks like it isn't going to come to a conclusion

within a year, I think that at the conclusion of the Law of the Sea Conference, we should press for unilateral passage of this bill.

Senator TUNNEY. Could you just address yourself to the problem, to the international problem, arising as a result of our having a fishery zone extended out 200 miles? These are suggestions that it could create serious problems for us. A good example is Cuba, as our zone would go out beyond the island of Cuba, which is 95 miles off the coast of Florida, and that this would create serious international problems. The same thing would be true of the Bahamas and other of those islands that are either independent or part of the jurisdiction of other nations.

What is your feeling for that? Have you come to grips with that? Have you thought about it at all?

Mr. GROTTING. Well, certainly, the provisions of any 200-mile extension—

Senator TUNNEY. And before you answer that, does it follow that the same type of problems apply here on the west coast?

Mr. GROTTING. The way I look at that, Senator, is that any extension of jurisdiction will recognize the territorial boundaries. For example, where Cuba is concerned, if it's 95 miles off our coast, obviously, our 200-mile zone isn't going to include Cuba. They would have a right to a 200-mile zone too. What happens there is the difference between the two countries is split, so the zone would be approximately what, 45 miles, in that area. The same thing would apply—

Senator TUNNEY. But this legislation doesn't provide for that, does it?

Mr. GROTTING. I'm sure it does. I haven't read over it recently in the last—

Senator TUNNEY. So it would provide for it?

Mr. GROTTING. Oh, certainly. It would have to provide for it. It would have to recognize the Canadian coastline and so on. You've got the Aleutian Islands running across how many miles to the Soviet Union. We have to split the difference between the westernmost Aleutian Island and the coast of the Soviet Union. That would just make sense.

Senator TUNNEY. And one final question. I'm sorry that I've taken so much time in questioning you, but there were a number of these rather basic questions that I wanted to ask a representative of the coastal fishing industry, and I felt that you would be the best person to ask these questions, although I'm not saying that I wouldn't ask some of them of other witnesses. I would want to address them, even if I don't ask them those questions, I'm certainly happy to hear their opinions also, but I felt that I should cover these basic questions with you.

I'd like to know what the economic picture of the coastal fishing industry is in California. For example, what is the annual gross income realized by the California coastal fishing industry? What's the capital investment of the industry, and how many jobs are provided for Californians by that industry? If you don't have these figures, and I recognize that to be specific would require some research, I'd like to have them for the record.

Mr. GROTTE. All right, I'd be happy to submit those.

Senator TUNNEY. Gross income realized by the California coastal fishing industry.

Mr. GROTTE. Now, by coastal fishing industry are you referring simply to trawlers or to the crab fishermen and salmon fishermen?

Senator TUNNEY. I think everyone, and what is the capital investment in that industry, the number of jobs that would be brought about; and, if you can, and this is much more difficult, what the economic dimensions of the industry are, such as boat servicing, piers, warehousing, which back up the coastal fishing industry. And I think that you should be mindful of the fact that it has been testified to by, again Mr. Carry, in San Diego that in using statistics from commercial landings of fish and shellfish by U.S. fishing craft by distance off U.S. shores that in the 10-year span from 1961 to 1970, the annual average U.S. fish catch averaged 4,408,400,000 pounds and that in 1973, the last years for which we had statistics, the total catch was—I'll just quote from him—of fish and shellfish inside our 12-mile zone was 3,776,843,000 pounds out of an overall total of U.S. landings of 4,926,000,000 pounds. He said that it would seem that no great depreciation has been suffered over this period of time, and I would like to know what your attitudes are with respect to that, the fact that the catch appears to be almost as good in 1973 as it was in 1961 insofar as total poundage of catch.

Mr. GROTTE. I could comment as that relates to our particular fishery, Senator, and, of course, will respond and return some of these items for the record at a later date. I would appreciate having a copy of that testimony of Mr. Carry so I can study it, if it's possible.

Senator TUNNEY. Certainly. Yes, we will supply you with a copy of the statement and we'd like to have the answers to these questions by the first week of May. Let's say May 10.

Mr. GROTTE. All right. One comment I would have about production increasing, in the early 1960's our draggers fished hardly any deeper than—Well, let's go back even before that. Let's go back to the 50's. Very seldom did they fish beyond 100 or 150 fathoms of water. By the 1960's they were fishing out to 300 and 350 fathoms of water. Today, our vessels are fishing as deep as 750 or 800 fathoms, fishing in the 550 to 600-fathom area being very common. The boats that have fished inside and continue to fish inside, meaning inside of 150 fathoms, their production goes down.

Our gear has become more efficient. We are fishing not only deeper areas, but in areas where we never fished before, around rockpiles and reefs. The nets are becoming more durable. In other words, the stocks have gone down. We've had to hunt further and further for them. It's going to be a point—I don't know how much deeper we can go. I don't know if there's any more fish out there. Eight hundred fathoms is a lot of water. That's nearly a mile down. So while our production statistics have stayed the same or have even increased, the number of boats have increased; the gear has become more efficient; our vessels operate 24 hours a day when they're out in the sea, 3 and 4 days in a row. These are factors that give problems when you start comparing statistics.



Senator TUNNEY. Yes, I understand that, and those are good observations that you've made.

Well, I want to thank you very much for your testimony today. I, as a member of the Commerce Committee, am going to have to make my own mind up as to what to do with respect to this 200-mile limit bill. I have kept an open mind purposefully and rigorously for the purpose of these hearings in California and in Washington, and am going to attempt to decide the issue on the basis of what is best, not only for the fishing industry, but for the people of my State, 22 million of them, and the people of the country, and that's the criteria that I'm using, what's best for the entire country, and I have an open mind on it.

I must say that I find the issues similar to the problem of trying to unravel the Gordian Knot. They're so difficult to understand and to determine what is best. On one hand, you listen to the testimony of those involved in the tuna industry and that position makes great sense, and then you listen to your testimony and the testimony that we're going to be hearing yet today, and that makes a great deal of sense, so it's one that's difficult to resolve.

I'll ask you as you are preparing the details, the written answers to the questions that I've asked you, to bear in mind that it would be helpful if you would make your very best points, at least insofar as this Senator is concerned, because I really do have a completely open mind on it, and I'm studying the issue very intensely.

Mr. GROTTING. OK. Thank you, Senator. I would hope that I could get the questions submitted to me in writing so that I could be sure that I don't miss anything. I copied them down here, but—

Senator TUNNEY. Fine. All right.

Mr. GROTTING. Now, before we leave, I have Mr. Warnock with me. He has fished off the coast of southern Oregon and even in northern California for the past 8 years since the Soviets have been here, and he has a few personal observations that I think he'd like to make, if possible.

Senator TUNNEY. All right. If you would make them brief, because we have a number of other witnesses who are scheduled.

Mr. GROTTING. And I will leave the net here for inspection right on the table, if that's all right.

Senator TUNNEY. All right, for the remainder of the—

Mr. GROTTING. For the remainder of the testimony.

Senator TUNNEY. Thank you.

[The statement follows:]

STATEMENT OF DENNIS GROTTING, SECRETARY-MANAGER, FISHERMEN'S MARKETING ASSOCIATION, INC.

My name is Dennis Grotting. I am Secretary-Manager of the Fishermen's Marketing Association. This Association represents over 300 fishermen who fish own and operate 85 trawlers based from Sausalito, California to Winchester Bay, Oregon. In their fishing efforts these boats fish as far south as Monterey and as far north as Newport, Oregon.

In 1965, Soviet fishing vessels arrived off the coast of California, Oregon and Washington to do exploratory fishing. They found the fishing good and in 1966 there was a large fleet operating off the west coast. Their target specie was Pacific Hake, a fish that was not being harvested by U.S. Fishermen. In the process of fishing for Hake, the Soviets landed other fish, primarily Pacific

Ocean Perch and Rockfish. As a result they depleted these species, particularly Pacific Ocean Perch, to such low levels that the U.S. Fisheries for these species has been reduced greatly or is virtually non-existent in some areas.

The magnitude of the foreign fishing effort is best expressed through statistics made available from the National Marine Fisheries Service in Seattle. These statistics show that the total groundfish catch from the California, Oregon, Washington, and British Columbia area totalled 1,691,900 metric tons (m.t.) for the years 1967 to 1972. Of this total 1,098,300 m.t. were caught by the USSR, 123,900 m.t. by the Japanese, and 469,700 m.t. by the U.S. and Canada. Percentage wise the Soviets caught 65%, the Japanese 7%, and the U.S. and Canada 28%.

Although the Soviets began their fishery on the west coast in 1965 and 1966, no statistics are available from them until 1967. The Japanese began their fishery in 1967. Many State Department officials, NMFC scientists, state fish and game representatives, and U.S. commercial fishermen question the validity of the USSR and Japanese catch statistics since these statistics have come solely from these governments. All we can say with certainty is that they admit to catching these amounts.

Of the combined Soviet and Japanese catch of fish during this period, 73.5% was Hake. The remaining 280,900 m.t. of groundfish was primarily rockfish, sable, and flatfish, species that are very important to our U.S. fishery. The Japanese catch of 123,900 m.t. was a result of a direct fishery for these species. The Soviet catch of 163,000 m.t., 15% of their total catch was caught "incidental" (according to official Soviet sources) to their fishery for Hake.

It is this "incidental catch" that wiped out the Oregon commercial fishery for Pacific Ocean Perch. It is this "incidental catch" that has depleted stocks of rockfish in California, Oregon, and Washington.

The incidental catch statistics by the USSR and Japan for the Oregon and Washington area were compared to the catches of U.S. fishermen in the same area for the years 1970 to 1972. The three year average distribution of catch was as follows:

(In percent)		
	United States	Foreign
Rockfishes .....	39	61
Sablefish .....	9	91
Flatfishes .....	60	40
Others .....	41	59
Total .....	47	53

The point is this. Even the incidental catch that the Soviets admit to exceeds the catch of U.S. fishermen on the stocks of fish that they depend upon for their livelihood.

Most U.S. fishermen feel that the Soviets are catching more than just Hake. However, we have no way of proving this because they are fishing in what are now recognized as international waters, just 12 miles off our coast.

We do have a bilateral agreement with the USSR that provides that they will not conduct a specialized fishery for rockfish or for sole. We have no way of verifying that they are living up to this because we have no right to board their vessels in international waters. We therefore must rely on observations from our patrol planes and ships and, of course, from their annual statistics.

The size of the USSR fishing vessels is in the 250 to 300 foot range. They dwarf our U.S. trawlers. The potential of the USSR fleet for wiping out our small coastal stocks of sole and cod is ominous. It is my own personal belief that the Soviets are presently targeting their fishery to Hake. The average catch of Hake has been 150,000 m.t. The total U.S. catch of all species of groundfish has averaged 50,000 m.t., only 25% of the Soviet catch of Hake. If the Soviets, or any other fishing nation for that matter, chooses, they can target our small Dover Sole or Rockfish stocks and wipe them out in a single season of fishing.

Under the present structure of no fisheries management the U.S. fishermen and those charged with the responsibility of managing our stocks of fish would be absolutely helpless to prevent the further rape of our already meagre stocks of fish.

It is impossible to manage our fisheries resources when huge fleets of unregulated foreign fishing vessels are scooping up our fish only twelve miles from our coastline. These fleets must be regulated so as to conserve and manage this valuable protein source so we may be assured a perpetual supply of protein from the sea. In these times of food shortages it is unthinkable to allow uncontrolled fishing that will, if allowed to continue, further deplete stocks of fish to the point that they will never recover.

The Fishermen's Marketing Association is an active member of the National Federation of Fishermen—Western Region. This section of NFF represents seventeen fishermen's organizations on the west coast ranging from San Diego to Bristol Bay, Alaska. As President of this organization I would like to briefly speak on the subject of the Law of the Sea and to Senator Magnuson's bill, S-1988.

In June of 1971 the National Federation of Fishermen met in San Francisco and developed the "species approach." This concept was supported strongly by the fishing industry because it recognized the characteristics of the three basic types of fish—coastal, anadromous, and pelagic. The State Department accepted the three specie concept as its official position at the Law of the Sea. There was, however, a difference between the NFF three specie concept and that of the State Department. The NFF called for ownership of the coastal and anadromous stocks while the U.S. Government position called for the coastal nation to have a preferential position over the stocks of fish it was taking or could eventually take off its own coast. This position puts the U.S. fishermen in a poor position because he would have nothing to say about the stocks of fish that he was not presently utilizing, such as Hake.

The Law of the Sea Conference has moved along very slowly. The U.S. position has not been well received. The majority of nations favor some type of zone with the most popular being a 200 mile zone. The handwriting is on the wall for a zonal approach for management of coastal species of fish in the world today. Whether the Law of the Sea Conference does or does not come to a successful conclusion remains to be seen. The only positive thing seems to be that one way or another, a zonal approach will be the rule for the management of the world's fishery resources.

Our greatest fear is that when the U.S. moves to support such a zonal approach that they will call for a non-exclusive zone rather than an exclusive zone. A non-exclusive zone would give the United States very little power to deal with foreign nations fishing off our coasts when they say they are only taking species not fully harvested by United States fishermen.

Recognizing all of the above cited problems, the National Federation of Fishermen, at its annual meeting in Feb. of this year, changed its position from support of the three species concept to that of support for the passage and basic concepts contained within S-1988.

On behalf of the Fishermen's Marketing Association and the National Federation of Fishermen I urge you to support the passage of S-1988.

#### **STATEMENT OF BASIL WARNOCK, FISHERMAN, COOS BAY, OREG.**

Mr. WARNOCK. Senator, I'm Basil Warnock, fisherman, dragging off the southern Oregon coast. I have a short statement to make here. I have also presented testimony to Senator Packwood's hearing in Coos Bay.

The American Government has with blind consistency done nothing to extend its 12-mile fishery zone, but has chosen instead to seek mutual agreement with other countries and failed, while the very resources we must protect are dwindling to the point of no return.

As a fisherman who has seen the Russians wipe out our perch on the Oregon coast from 14 million pounds to around 1 millions pounds in 2 years, and many other species down to a substandard yield, which are all listed as incidentals on their catch records, I and fellow fishermen want help.

Although the United States was once the greatest fishery nation in the world, today, we are importing 70 percent of our seafoods, nearly all of which are taken from our Continental Shelf by ships of other countries.

The Japanese and Soviet fleets forage the entire area from Alaska's Continental Shelf to Baja, California in Mexico, consuming everything. The Soviet BMRT's measuring the length of a football field and weighing over 3,000 tons, fishing with gear which is illegal for us to use. Their nets allow no escapement and kill everything caught. These stern trawlers were so thick off Coos Bay last year, they even ran over each other, sinking one.

As a fisherman. I ask your help in extending our fisheries to 200 miles and supporting Senator Magnuson's bill.

Thank you very much.

Senator TUNNEY. Thank you very much.

Mr. WARNOCK. May I leave this?

Senator TUNNEY. Yes, fine. They'll be incorporated by reference. Just give them to the reporter. Thank you.

Our next witness is Lawrence Lazio, president of Lazio Fish Co., Eureka, Calif.

**STATEMENT OF LAWRENCE LAZIO, PRESIDENT, LAZIO FISH CO.,  
EUREKA, CALIF.**

Mr. LAZIO. Senator Tunney, I welcome the opportunity to come before you this morning, and you have my prepared remarks.

Senator TUNNEY. Yes.

Mr. LAZIO. I think in listening to what's been going on in prior presentations, I'd like to just get into a discussion of some of the things, the questions that you have asked.

Senator TUNNEY. Your statement will be included in the record.

Mr. LAZIO. Fine.

The things that are bothering you in balancing the coastal fishermen as opposed to the tuna interests in the southern part of our State. I would say that if you were a Senator from a State that only had coastal interests or if our State did not have the long-distance trawlers or tuna fisheries operation out of it, a decision on this matter of extended fishery zone would be much easier, but I realize you have this problem. I realize the Law of the Sea Conference is there. There are some things I'd like to say right now, as I see them as an operator of a processing operation, as an operator for drag boats that compete with the Russians. In fact, one of them was just off-shore the other day and had to get out of the way of the Russian trawlers. They're much faster. They cover the ground in about 8½ knots, where our boats cover the ground at about 1½ knots. The size of the Russian net, which may have been brought out before, but I don't think it has at this meeting, in relationship to this room, if a Russian

net were as big as this room, the American net would probably be the section of that jury box over there in relationship. This is how much bigger these nets are in total size.

Senator TUNNEY. On a scale of 10 or 20 to 1?

Mr. LAZIO. About 10 to 1, I would guess. They had a Russian net laid out on a football field up in Oregon a couple of years ago, and it took up the entire football field. It was almost 100 yards long. Ours are about 25 yards long and nowhere near as wide; and, as you can see, the difference in materials used.

But getting back to balancing the situation, I feel that the coastal fishery is in jeopardy of being totally wiped out, as was the situation above the Oregon coast with the ocean perch stocks, that the tuna boys are not in a position of being wiped out. Yes, they have to make some agreements. They may have to pay. Our Government may have to work out some agreements with a foreign nation where they pay a fee to go and utilize some of the resources, but to control that sector, what's going on off our shores has been said before. It's totally uncontrolled.

I feel that our fishermen are being limited in their fishing grounds to a 9-mile wide strip, and by 9 miles wide, I mean the trawlers in the State of California must fish beyond a 3-mile zone. They cannot fish inside that. When we go out to 12 miles, and there we have the Russian fleets or the foreign fleets, whichever they be, they're going to be increasing, as has been brought out in testimony, so our fishermen are basically limited to a 9-mile strip. Yes, they're going out beyond this, but when these large Russian fleets are out there, or whatever the fleet might be, they have to get out of the way because they can't afford losing their gear, getting tangled up with the Russians, or the foreign fishing gear is so much heavier that our net would get wiped out.

I have a boat that fishes for a company off of northern California to southern Oregon that fishes traps for black cod. When the Russians show up, he has to pull his traps and get out of there. In two instances, he's been completely wiped out. He's filed claims with the National Marine Fishery Service and they said they'd take it to the Russians and the things has bounced around now for 3 years and nothing's ever happened.

There was one instance in Alaska where a claim was presented to the Russian Government and it was paid where gear was wiped out and what was for king crab, so I would also like to get into—You asked a question of numbers, you know, how important is our fishery in relation to tuna fishery. Can you play the numbers game when a fishery is going to get wiped out, when the strong possibility exists it would be totally wiped out? I think there is this urgency factor.

You also asked a question about the Law of the Sea Conference and how that balances out and should we have an extension bill now. Can we wait? What about the three species' concept? There may be some common ground where the three species' concept could be plugged into an extension factor on some type of common ground basis that could be applied now, affording maybe protection of the fisheries that are being overfished today, which would not jeopardize the negotiators' position when they go to South America for their fisheries conference. There could be something there.

It hasn't been recorded, and I think this is because the government agency involved did not see it. It wasn't recorded; therefore, it isn't a fact. But I was told last week by one of my fishermen that the Russians had, I think, seven boats up off the Oregon coast that were fishing for whales. Our country excluded the fishing of whales and San Francisco was the only port in the whole United States that fished for whales. This fishing went on for some 20-odd years. There were about 147 whales taken every year and it's estimated that the Russian and Japanese ships are taking 20,000 whales per year in the Pacific Ocean and some of these have been off the Oregon coast last week. He reports seeing whaling vessels there and reports seeing large concentrations of blood on the surface from the kills that were made by them.

When you take the concept of 200 miles, excluding these people, and taking these resources, some have said, yes, we should balance it out; let them have their rights. I wonder what would happen if the American people sent 10-15 drilling rigs to drill for oil off the coast of Russia, say 50 miles out, what would they do, and what would we do if the foreign people sent drilling rigs for oil, for a natural resource, close to our shore? What type of action would we take? We all know that this is a very important resource, oil, and it would be very interesting if this thing were to pass, what type of action would we go into? Maybe our forefathers, if they had a little more foresight in this particular area—I think they did a good job in everything else—but if the cannons of the early revolutionary time had shot 50 miles, would we have a 50-mile jurisdiction for the resources adjacent to our coastlines? This is the battle we're fighting now. We're trying to balance interests that exist within the country today, the coastal fishermen against the tuna and the shrimp fishermen. It's a difficult problem, but there is very definitely the chance that our fishery will be totally wiped out.

I don't think that the capital investment that's going into our segment of the industry should be going into it because of the limiting effects that the foreign vessels have put upon us. We're limited in trying to think about building a boat when we know that possibly that stock is going to be wiped out. The same thing is true of the plants. Utilization of the hake in the last 2 years, economic utilization of hake is there. No one's really gone into it in the United States yet, No. 1, because of the competition from the foreign vessels on the ground, and the economics—Hake could be used today for fishmeal because the economics are there. Peru has had a disaster; therefore, the market price of meal throughout the world has increased significantly, where this could now be considered in the United States, whereas we weren't able to do this before.

So you balance all these things, and listening to testimony that has gone before me, thinking about all the various things that exist in the ocean, if we were allowed to develop them on an exclusive basis or basically an exclusive basis, how much more dollars would be pumped into our economy? These Japanese rigs that are fishing off our coast are basically fishing black cod. That black cod is taken back to Japan, boxed, and shipped into New York City. This is foreign exchange money going out of our country, which could be American

dollars if we were excluding some of these grounds. These are little things that are going on in our industry that cause me real great concern, and, until we get protected, we're just in a downward situation until we get some protection.

Senator TUNNEY. What kind of capital investment has been made in the coastal fishing industry along the west coast in the last 10 years?

Mr. LAZIO. In the last 10 years, I'd say it was basically in the field of what existed prior. There has been improvements in the size of boats. The boats that used to be wooden boats are now basically steel boats. Size has increased probably on an average, an overall average, of at least 15 feet per 10 years. In other words, a boat that was a 40 footer 10 years ago is now a 55 footer and on up the line. That's a pretty good shot at it; but, as Mr. Grotting presented, we're reaching out further and further all the time. We are finally getting input from government on a good level, and I refer to the National Fisheries Service on the tuna surveys and also their daily reporting basis. They've set up a network of information where the boats can find out where the tuna are, what the weather conditions are, and the locations of our tuna boats, and these are the coastal tuna boats. These aren't the big equipment. These are the coastal tuna boats that fish tuna between the months of June and October off the entire west coast.

We're in a 10-year cycle right now. The fish usually show up off the middle Oregon area first and then move on up off the Washington and British Columbia coast and then some fish do show up in the south. Prior to this 10-year cycle, the fish showed up down off Mexico first and then moved on up the line.

There is improvement in the vessels. Getting into this type of competition during the Johnson administration, there was a subsidy program for construction of fishing vessels and two giant ocean-going trawlers were constructed at a cost of about \$5 million apiece and both of those, Sea Freeze Atlantic and Sea Freeze Pacific, which were very similar to what the Russians are using now, both of those vessels were total failures. They just couldn't make it. There are many reasons involved.

Senator TUNNEY. Why?

Mr. LAZIO. No. 1, the reason was the people who were operating them had never been in the fishing business before. They had tremendous union problems. They had tremendous startup costs in both of those vessels. They moth-balled them within, oh, let's say a year to a year-and-a-half of their initial maiden voyage. It was just a total failure. One's now being used as a floater in Alaska. It was bought by a company in Alaska as a floating processing ship, but it doesn't operate on its own.

Those are some of the things that I have. Maybe you have some more questions, Senator.

Senator TUNNEY. Well, I just have two difficult questions. One, would you address yourself to the impact you see upon the Law of the Sea Conference of this legislation, if it were to pass. That's one. Why don't you answer that first.

Mr. LAZIO. I'm very afraid this Law of the Sea Conference is going to drag and drag and drag. We've had some information that they couldn't even agree on who's going to be seated where, who the chairman was going to be, and this type of thing. In the meantime, 2 years have gone by already from the original scheduling of this conference. We get the intrusion of these vessels that are coming now in very significant numbers off the West Coast. We're not going to have a fishery left by the time these guys get through, so that's our concern factor. We hope now, not 4 years from now, because 4 years from now there's going to be nothing. The ocean perch to maturity is about 4 years. I could be incorrect on this. Dover sole is 12 to 14 years to maturity, so you've got this working on the ocean bottom taking our fish that are 2 and 3 and 4 years, and grinding them into fishmeal. What are we going to have left by the time we have some laws that are theoretically going to prevent this?

Maybe I can liken this to a situation. How would we like it if 10,000 people from a foreign nation were allowed to go into our forests tomorrow morning and take whatever they want with no regard to extended long-term conservation measures? Where we're in a farming operation, we just take, out of 100,000 acre tract, we take 100 acres every year or 1,000 acres every year, so we're on a perpetual basis. What's happening now is the perpetual basis of our fisheries, as we who have existed on the coastline for a period of time know, it's being destroyed completely. Sure, you can play around with statistics, but by the time we get the statistics, it's over with, as was the sardine situation, as was the king crab situation in the State of Alaska. They got into a very serious problem up there. As was the situation off of Peru where they, you know, they wiped that thing down to nothing. I think they had something like 12 billion tons at their peak, and they went down to less than 2 billion tons, and then they shut the fishery off completely for 2 years, and now they're back under some limited quota production; but, as long as we have this wide open situation going off-shore, we're in trouble. We're in real trouble.

Senator TUNNEY. The other thing—The other question is the international ramifications of our unilaterally extending our fishery territory limit out to 200 miles, the impact on islands like Cuba and the impact up in the Alaska area, and perhaps even in the Northern United States, as it relates to Canada. What do you think about the legislation, the way it's drafted, and your views of that problem?

Mr. LAZIO. I think initially there'll be some concern. There's going to be some uproar in the midpoint areas, as have been discussed. You know, where do you balance off, Cuba or the Bahamas, or the difference between Russia and the United States? It's very important that the legislation does have provisions to make adjustments in those areas.

As far as taking off the California, Oregon, Washington coast and going on a line directly straight out 200 miles and the international implications—the Russians are going to be very upset naturally because they have set up a—what you might call a traditional fishery since 1965. They've been here every year. They've fished these waters, have been very concerned, very upset, as were the English in, I think,



the Iceland area, where Iceland went to a 50-mile unilateral protection situation. There's going to be some problems there that'll have to be worked out.

It's hard to say how exactly it would be from my standpoint because I've never sat down on these international-type problems, but it looks like we have a spherical world today where they can be at least talked over.

As Dennis indicated, he went to Moscow and sat in on the bilateral negotiations. At least, we are sitting down and talking with these countries on our problems, as our country will have to do with the South American nations if something like this went through with regard to tuna people.

Senator TUNNEY. Right.

Mr. LAZIO. But at least there, they're still going to have a resource available to them under some different type agreement than what they do now, the unrestricted use of those resources. Although they do have some restrictions, as probably you know, in the Eastern Pacific Tuna Treaty, which certain countries subscribe to. Now, I don't know if it's been brought to your attention, a few of the tuna fleet are going to foreign registry, the big distant water seiners because, number one, they drop out of the—the countries they are registered in are not participants to that particular treaty. And, number two, since the Mammal Protection Act, concern over dolphins, there was concern that they were going to be pushed overboard there and not be able to operate as they have in the past, so these vessels are changing registry to foreign nations. Our tuna fleet is leaving us to a small extent at this time. I think there are something like five or six vessels that made that conversion last year, and big rigs, you know, the big super seiners.

Senator TUNNEY. Well, thank you very much, Mr. Lazio, I appreciate your testimony and the help you've given us.

Mr. LAZIO. Thank you very much, sir.

Senator TUNNEY. Many thanks.

Our next witness is Mr. John Zeiroid, legislative representative of the Sierra Club.

**STATEMENT OF JOHN ZIEROLD, LEGISLATIVE REPRESENTATIVE  
OF THE SIERRA CLUB**

Mr. ZIEROLD. Thank you, Mr. Chairman. I'm John Zierold, and I'm legislative advocate for the Sierra Club of California in Sacramento.

Senator TUNNEY. Do you have a written statement?

Mr. ZIEROLD. I'm going to submit one, Mr. Chairman, in detail. I'm here as sort of a substitute on short notice and haven't had time to set forth a detailed presentation. I only wanted to appear briefly before the committee and express the concern of the Sierra Club about what has been hitherto rather improvident husbandry of coastal resources, particularly the fishery resources. We're very concerned that some steps be taken now, either through international or multilateral or regional agreements, which would allow us to give better resources management than we've had before.

The club has no specific position on the 200-mile territorial limit. It may or not be an answer to the problem, but we think it evidences the concern that you have and, for that reason, I'm grateful to your committee for going into it further.

We do feel, however, that many of the proceedings have been rather slow. In reaching international agreements, there's greater consistency as to the standards that are applied. We know, for example, that here in California over recent years there's been a rather dismal history of State legislature enacting strict standards on the allowable catch of such resources as anchovies and just this year herring, and yet no effective means by which we can protect that resource beyond control of the California fishing industry, so we think that whatever agreement is reached or whatever legislation enacted by the Federal Congress take this issue into account.

We do know that the three species concept has been presented as one means by which this problem might be solved. We're not entirely certain that it would work, that of course being the control of the coastal stock by the coastal State. It is a good idea in concept, but we're really not certain that it's workable if the standards are permitted to be lower if they're enacted by other coastal states. For example, the standards in the United States are high. In California, we think that they're very well considered, well taken positions, and, yet, other coastal states might very well enact legislation which are far weaker, so we think that this is a caution that the committee ought to bear in mind when making these deliberations.

We also think we should learn from some of the historical lessons that are available to us. We've seen resources depleted not only in this country, but in Peru. I was in Brazil in October of this year doing an economic study, and I was rather appalled that they have not had the kind of regulations that would protect their fisheries. I think it's extremely important that the United States adopt a position which is one of high, unassailable standards, and we're going to treat this matter in much greater detail when we submit our written statement, and we would appreciate an opportunity to have about 10 days to submit that statement.

Senator TUNNEY. Certainly. You have 10 days. I think you have really until the 10th of May to have it back in Washington.

You were here. I saw you while I was asking questions of other witnesses, and I'd like you to address some of the problems that I've questioned other witnesses about, if you would. You know what those questions are.

Mr. ZIEROLD. Yes, I follow you, Mr. Chairman. We will address our remarks to those particular subjects.

Thank you very much.

Senator TUNNEY. Thank you very much, Mr. Zierold.

Our next witness is Mr. Vernon Smith, California Wildlife Federation.

I'm going to have to break the hearing at a quarter of 12 and be back at 2 o'clock. I think that Mr. Smith will be our last witness before the break. We will hear the remainder of the witnesses between 2 and 3:30 o'clock this afternoon.

Nice to have you with us, Mr. Smith.

**STATEMENT OF VERNON J. SMITH, CALIFORNIA WILDLIFE  
FEDERATION**

Mr. SMITH. Mr. Chairman, I am Vernon J. Smith, affiliate representative of the California Wildlife Federation, the parent sportsman-conservation organization in the State, the State affiliate of the National Wildlife Federation, and representing a broad spectrum of outdoor use. And I do list our member councils of clubs for you.

Associated Sportsmen of California.  
California Rifle and Pistol Association.  
Southern Council of Conservation Clubs.  
Inland Council of Conservation Clubs.  
San Diego County Wildlife Federation.  
California Bowmen Hunters and State Archery Association.  
Sportsmen's Council of the Redwood Empire.  
California State Varmint Callers Association.  
Sportsmen's Council of Superior, California.  
California Association of Four-Wheel Drive Clubs.  
Northeastern Plateau Wildlife Council.  
California Hawking Clubs.  
California Houndsmen for Conservation.  
Sportsmen's Council of Central California.  
California Wildlife Federation Conservation Council.

California's ocean resources have been, and are continuing to be, abused and degraded by the people of the State to the point where the decline of quality is directly affecting productive ability.

As our recent experience with other countries and the oil embargo has demonstrated, we must use foresight in the protection of what resources we have, and not allow the embarrassing depletion of our off-shore fishery without every precaution.

This concern was expressed by our parent organization at their recent annual convention held in Denver, Colo., on March 28 by passing a 200-mile fisheries jurisdiction resolution, and I'd like to read that, because I do think it makes some points that I address myself to in the statement.

Whereas, fisheries resources for the Atlantic, Gulf, and Pacific Coasts of North America have been seriously depleted, with some species exploited to the point of becoming rare or endangered; and

Whereas, this Nation has not extended its fisheries jurisdiction beyond 12 miles to the 200-mile limit presently claimed by some countries; and

Whereas, the United States Government has been unsuccessful in efforts to persuade other nations to practice principles of fisheries conservation; Now, therefore, be it

*Resolved*, That the National Wildlife Federation hereby supports the principle of a 200-mile fisheries jurisdiction for the United States, at least until satisfactory solutions to coastal fisheries problems are resolved through international agreements or other diplomatic means; and

Be it further resolved that the Federal Government should establish a regulatory fishing area in the 200-mile limit in which all foreign fishing vessels would be licensed to take fish and other sea resources of the Continental Shelf in accordance with the Truman Proclamation of 1945; and Be it further

*Resolved*, That this organization believes that all monies collected through licensing foreign vessels should be dedicated for law enforcement and improvement of the saltwater fishery.

The National Wildlife Federation is the wealthiest conservation organization in the world, and representatives from every coastal

State, Guam, Puerto Rico, and the Virgin Islands, were represented during arguments on the issue. The concern about undue pressures put upon our off-shore fishery by unregulated foreign fishing vessels is shared by our constituents throughout the country. The participating organizations officially continue to endorse a "species concept" and effective management programs based on biological data. However, it does not seem practical to expect resolution of this concept by participating nations for several years. We feel most strongly that something must be done immediately. With more nations adopting a 200-mile zone, the "species concept" seems all the more remote.

An interim 200-mile fisheries jurisdiction can provide the protection and, through the licensing provision, the management control over harvest only so long as there is adequate enforcement.

It must be recognized, because of the unique situation off the Alaskan coast, that some modification of the area of jurisdiction must be considered.

We understand the United States will continue to support a species concept at the forthcoming Law of the Sea Conference to be held in Caracas, Venezuela. We would urge consideration of the 200-mile jurisdiction as an interim measure by our attending delegation. My organization will have a representative attending.

Last October, we held a fisheries conference in Arcata, Calif. A portion of the agenda was dedicated to the Law of the Sea proposal with panel participants representing vested interests. Dr. John Harville, executive secretary of the Pacific Marine Fisheries Commission, was the moderator. The conclave was well attended by west coast commercial fishermen, processors, and sportsmen who overwhelmingly support the 200-mile fisheries zone.

It now appears we can expect foreign fishing off our coast for anchovy in 1975. As an attachment to my statement is a copy of a letter that indicates this concern.

[The letter follows:]

U.S. DEPARTMENT OF COMMERCE,  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,  
NATIONAL MARINE FISHERIES SERVICE,  
Seattle, Wash., January 29, 1974.

Mr. WM. HILL, *Secretary,*  
*Salmon Unlimited,*  
*Eureka, Calif.*

DEAR BILL: We are glad to pass on the information we have on Soviet plans for anchovy off California in 1975 and the projected west coast foreign fishery in 1974. I hope it is of some help.

The anchovy subject was brought up by us at our last U.S./U.S.S.R. fisheries meeting on September 19, 1973. The Soviet reaction was very noncommittal, however they did say that one Soviet RTM stern trawler had done some exploratory anchovy fishing off California this past spring and summer. They claimed that a specific anchovy fishery would require changing to different trawl gear which they were not, for the present, able to do. Although we did not get a definite answer, I would be pleasantly surprised if they were not in an anchovy fishery by 1975.

The foreign fishery projection for 1974 is based on fairly predictable patterns formed by the Soviets and Japanese over the past few years and no large increase in effort is presently foreseeable.

Of particular importance in 1973 was the arrival of an East German stern trawler in August followed by a Polish stern trawler in September. Both vessels conducted a successful fishery for hake and we can expect an expansion

by both countries in 1974. The Poles have already advised us they intend to send at least six trawlers to the west coast this fishing season.

In summary, I think we can expect to see up to 60 Soviet stern trawlers and 30 support vessels; 9 Japanese stern trawlers and 6 long liners on an intermittent basis; 3 to 5 East German stern trawlers and 6 Polish stern trawlers. If past practices prevail the Japanese will fish black cod, bottom fish and ocean perch with the Soviets, East Germans and Poles concentrating on hake.

If we can be of any further assistance, please let me know.

Sincerely,

DONALD R. JOHNSON,  
*Regional Director.*

MR. SMITH. If this new effort is pursued and the participating vessels are outfitted with new gear, there is little doubt that the anchovy, and all the other fish that depend on it as an important forage fish, will suffer.

California has been extremely cautious in its own harvesting of the anchovy and has implemented an experimental program to observe the effects of the limited take now allowed. Even this controlled program met with loud and long objections from sports fishermen throughout the State who felt the real value of the anchovy as an important forage fish far outweighed the value of the reduction product. Bait harvesters have also been most vociferous in making their concern known.

The great public concern over pelagic forage fish is evidenced by emergency legislation passed by our California Legislature to protect herring stocks. The efforts to protect the resource and limit harvest by the people of the State provides a good indicator of their concern.

Offshore fish, mollusks, crustaceans, and mammals are becoming increasingly important to all nations, and the pressures are increasing in proportion. My own involvement as vice chairman of the California Advisory Committee on Salmon and Steelhead indicates a serious contention that the long and extensive investment in the anadromous fishery resources is threatened and that a significant part of the problem is the uncontrolled harvesting of salmon by foreign fishing vessels off our north coast. Efforts to make hatchery operations more efficient, expanding facilities, improving water quality, controlling disease, rebuilding and protecting upstream spawning and rearing areas, developing private rearing ponds, and setting bag limits and seasons all seem on the verge of being a lost cause, unless some effective protection is forthcoming.

The large percentage of California's over 2 million sports fishermen that depend on our ocean resources, the charter and party boat operators, bait haulers, shops, and manufacturers, added to the commercial interests and all the related beneficiaries, demonstrate the extensive economic base that can only be provided by a healthy offshore fishery, well managed and well monitored.

That concludes my statement, Senator Tunney. The only other one comment that I would make was when you were addressing the take of the tuna fishery and its importance to the California economy, it didn't consider—it was relating commercial product value against commercial product value, and it didn't take into consideration the value of the sports fishermen concerns, which is a tremendous \$600 million annual concern.

Senator TUNNEY. What about the sports fishery? Are you qualified to testify on that aspect of the problem, the sports fishery, and the impact on the sports fishery of the harvesting of the fish off the coast?

Mr. SMITH. I don't know in the context that you put the question. I know that I have been representing sportsmen in the State of California for some number of years. I'm presently vice chairman of the San Francisco Advisory Committee. I'm a member of the delegate advisory committee as a sports observer there, and I've been past president for 3 years in the California Wildlife Federation, and the total extent of my involvement has been representing sportsmen and sports fishermen.

Senator TUNNEY. Could you specify the types of fish which sports fishermen fish for off our coast and what distances they fish for them?

Mr. SMITH. Well, our sports fishing vessels, as you probably know, are getting more sophisticated and larger, and on the northern coast, our greatest concern naturally is with the anadromous fish, the salmon, and we have gone to some extensive efforts in trying to increase that productivity.

On the southern part of the State of California, of course, our concern is more with bottomfish and these boats and vessels in the sports fishing fleet can go out as far as any of the commercial vessels. The same areas are involved and the same fish. They take them by hook and line and, of course, the method is different, and they have seen and made their concern evident that where there used to be bottomfish, where there used to be salmon, the stocks are no longer there.

We did have a case the year before last off the north coast where silver salmon all of a sudden—we did have good records of fish being in an area, that they just disappeared and there was no way of telling exactly where they went. We're trying to increase our concern by marking fish with the California Department of Fish and Game and see just exactly where they go.

I have one other thing I might, as a matter of record, insert. It's the fact that the California Department of Fish and Game contracted with Gruen, Gruen & Associates to do a socioeconomic impact of the California fisheries, of the economy, and the study, I think, is available.

Senator TUNNEY. It should be. Can you make a copy of that available?

Mr. SMITH. I'm sure I can. If not, I expect the Department of Fish and Game could.

Senator TUNNEY. One of the things that I noted when I was down in San Diego, one of the witnesses testified that if Mexico extended their territorial waters out to 200 miles for fishing purposes that it would have a very serious adverse impact upon sports fishing because so many of the sportsmen that leave San Diego travel to Mexican borders to catch fish. I gather from that that they oppose the 200-mile limit.

Mr. SMITH. Well, they may. I think in reference to that what they're saying in a 200-mile fishery jurisdiction is a fact that you do provide to the Federal Government a method of licensing foreign fishing vessels. Now, foreign countries such as Mexico would license a U.S. vessel going down there to participate in sport fishery. I think that's entirely proper because, without this kind of consideration, the

effort, the ability to manage and control your offshore resources, whatever the nation, is wasted. There has to be management of the resources by the nation, and I think that if there are licenses and applications involved in sport-fishing vessels going into Mexican waters, I think this is totally proper.

Senator TUNNEY. And how would you anticipate the depletion of the coastal anchovy stocks would affect the sport-fishery industry?

Mr. SMITH. Well, this is a very serious thing with us because it is a very—one of the most important forage fish for anadromous fish such as salmon and, since the depletion of the sardine, this vacuum in forage fish was taken up by the anchovy, and it's an important forage fish to all of the other fish off our coast. The halibut, all the rock fishes, the anadromous fish, depend upon this as a forage fish; and, without this food source that was harvested by Russian vessels or foreign vessels, new type of gear would be required. Any reduction in this forage fish would certainly have a disastrous effect upon all those other fish that depend on it.

Senator TUNNEY. It's my understanding that there is a real fear on the part of many people who are knowledgeable that our anchovy stocks are threatened. Is that correct?

Mr. SMITH. That's correct. As an example, of course, we went to an experimental fishing program that the California Fish and Game Commission endorsed, and they are now taking a limited tonnage of anchovies for reduction purposes, and this is for chickenfeed and fertilizer and other reduction products, and all through those hearings to the present time, there has been a tremendous concern by sport fishermen of the state of California, the loss of this forage fish was going to have a detrimental impact on their existence as a sport fishing industry, and it is an industry.

Senator TUNNEY. Well, thank you very much, Mr. Smith.

We will break now and we will return at 2 o'clock. At that time, we will hear from Mr. Earl Carpenter, Mr. Munro, Mr. Speer, Mr. Arnett, Mr. Andreani, and Mr. Kohlhauf.

#### AFTERNOON SESSION

Senator TUNNEY. The hearing will come to order.

Our first witness is Earl Carpenter, Fishermen's Marketing Association, Bodega Bay.

I see Mr. Carpenter is not here. Our next witness is A. W. Munro, Santa Barbara and Harold Speer, Moss Landing, Western Fishboat Owners Association.

#### STATEMENT OF HAROLD E. SPEER, MOSS LANDING, WESTERN FISHBOAT OWNERS ASSOCIATION

Mr. SPEER. Senator, I appreciate this opportunity to express my views and those of the Western Fishboat Owners Association.

The Western Fishboat Owners Association would like you to be aware, as we painfully are, that a crisis is jeopardizing the very existence of the U.S. commercial fishing fleet.

Right now, as I am speaking, there are large fleets of foreign vessels, primarily of Soviet registry, fishing our shores in almost mili-

tary formation. These fleets include processing ships, supply ships, oil tenders, and normally 12 or 14 of the 250 to 300 foot Pushkin class stern trawlers, each with a catching, handling, and freezing capacity of immense proportion, 60,000 to 100,000 pounds daily.

These fleets concentrate on an area or species until virtually nothing remains. Their research vessels in the meantime are exploring other areas of our coastline for exploitation.

We can hold no hope for the survival of our fishing industry under pressure such as this.

For consumers, it adds up to higher prices and a growing scarcity of fish. For the fisherman, it adds up to economic ruin, and for the marine life off our shores, it may like the Monterey sardine add up to disaster.

The southern California based tuna boats, a small but very vocal segment of the U.S. fishing industry, spend a good portion of their fishing time within the 200 mile limits of some of the South American countries such as Peru and Ecuador and, therefore, have consistently opposed the 200-mile limit. We feel, however, that these countries are looking to their futures and should be recognized as the conservationists that they are.

We of WFOA believe that the United States desperately needs full control and management over our coastal fishery resources and sincerely urge our representatives and all conservationists to join us in support of Warren G. Magnuson's bill, S. 1988.

We believe the establishment of a unilateral 200-mile fisheries jurisdiction will give us a means of conserving our diminishing marine protein resources until the Law of the Sea Conference is held and, hopefully, the individual nations have acted to support us in a commonsense program of conservation.

Senator TUNNEY. Thank you, Mr. Speer.  
Mr. Munro?

#### **STATEMENT OF A. W. MUNRO, SANTA BARBARA, WESTERN FISHBOAT OWNERS ASSOCIATION**

Mr. MUNRO. Yes, I'm Sam Munro. I'm president of the Commercial Fishing Organization of Morro Bay, and I represent here the Western Fishboat Owners from Santa Barbara to Morrow Bay.

The Western Fishboat Owners Association wishes to go on record as supporting the Magnuson Bill, S. 1988.

WFOA represents some 600 albacore boats with a combined value of over 30 million dollars. Member production exceeds 15 million dollars annually or approximately 40 million pounds of prime white meat tuna. That's the albacore, an amount which would provide enough high quality protein to support 67,000 average families for 1 year.

About 90% of these WFOA member boats are also engaged in other fisheries, making a substantial part of their living therefrom. These other fisheries, including salmon, crab, halibut, drag fish, west coast shrimp, etc., are directly influenced by foreign intrusion. About half of the WFOA membership make a substantial portion of their gross income from one or more of these other sources.



WFOA supports any measure which will halt or control foreign intrusion, not because foreign fleets are depleting stocks of albacore per se, but because of the indirect adverse influence of foreign boats. As other fisheries feel, results of depleted stocks, lack of sustained yield, and disregard for conservation methods as practiced by the foreign fleets, WFOA members must depend more and more on albacore alone for their income.

This puts a greater strain on the already heavily fished albacore. Also, as other boats in the fishing industry not fishing albacore find they can no longer make a living at their preferred fishery, despite being trained and outfitted for such, men with a large capital investment in boat and way of life oriented to the sea must turn to albacore.

With limited entry or without limited entry, how long can the albacore stand up under an ever heavier concentration of boats working them? With greater catches of albacore, how soon will we pass the point of sustained yield? Regardless, the next step is for foreign fleets to learn to purse seine schools of albacore, and there is no doubt that with their sophisticated gear, the Russians will learn to wrap these fish and will be able to harvest albacore in quantities which will deplete the stock or completely wipe them out, as they have done with other fishes of the east coast and now of the west coast.

There will then be no other local or continental fisheries to which the U.S. fishermen can turn. WFOA believes evidence points to a Russian intent to methodically and systematically wipe out each and every fishery of the United States possible, in accordance with aims to control world food supply.

WFOA members, along with others, witness the gross mismanagement of and total disregard for conservation of seafood resources as practiced by foreign fleets, and they come to the west coast in ever increasing numbers, with larger boats, and including more nations. Now, seen along with Japanese and Russian ships are those of South Korea, Poland, Formosa, Spain, and, of course, those of Russian satellite nations.

WFOA has also become involved in an albacore research program. With moneys raised by the industry alone, nearly a quarter million annually, WFOA has spawned the progressive American Fisheries Research Foundation program. Without a 200-mile fisheries jurisdictional zone, beneficial information gained from this research program may further aid foreign countries, and could work to the detriment of the albacore fishermen.

There have been many pages written, and many documented reports filed, along with photographic evidence, to support claims that foreign ships are working within sight of the U.S. west coast. WFOA does not wish to catalog nor repeat these reports.

Now, by adopting the Magnuson Bill, the United States may encourage and must recognize the right of other countries to enforce 200-mile limits. This may create a hardship on a few U.S. fishing boats. Nevertheless, are we to allow our resources to be uncontrollably exploited in order that we may fish in other waters? Again, how long until the foreign fleets deplete those areas of fish also?

National pride and patriotism should dictate that we protect our own resources. Our own management programs are futile as long as foreign ships fish between 12 and 200 miles of our shores.

Unilateral establishment of a 200-mile fisheries jurisdictional zone now is imperative. Time is of the essence. If we wait until the Law of the Sea Conference is held and its decisions implemented, it may be too late.

The Western Fishboat Owners Association supports the Magnuson Bill because it offers protection now. As an interim bill, it will protect our coastal fisheries until a permanent plan or policy can be implemented or devised by later international treaties.

I would like to add a little bit. In this report, I've neglected to mention the economic impact of the service and backup industries, the benefits to the economy generated by our industry.

Albacore is a tunafish. This fishery is conducted by small, independent units, usually family or 1-man owned boats with a 2-member, man, operated boat. I share Dennis Grotting's apprehension and not much confidence in the Law of the Sea Conference as it relates to the fishing industry and, in regard to Mr. Lazio's mention of whalers out there, I've seen them myself. I've seen within—inside of the continental United States, I've seen these boats taking whales, a mother ship—Last year, I saw one mother ship and six killer boats, whalers, and they had some whales stuck, and we went over to see what this flag was in one whale, and it was not a very big whale either. One of the killer boats came close by to see what we were doing looking at their whale. But he is correct. They are taking the whales. This wasn't a very big one, as I say. There is no chance whatever for a whale to escape. Once they have found a school or found a whale, with their sophisticated gear, the whale is gone. There's no way whatsoever that whale can escape because it has to surface.

Thank you.

Senator TUNNEY. Thank you very much.

Mr. Speer and Mr. Munro, just a couple of questions. You mentioned the large Soviet fleets. I was wondering how your industry's fishing practices differ insofar as it relates to concentrating on species is concerned. You suggested that the Soviets concentrated on species and then moved to another species. They're concentrating on hake stocks and have been, I guess, for the last few years.

Mr. MUNRO. Well, we concentrate on a species, but we use, to me, it's a rather primitive method. We haven't learned to wrap these albacore yet. That is, they're very flighty fish. They're somewhat possibly like a hummingbird. It would be very difficult to wrap it. They know the way to wrap them, where we don't. We fish by hook and line, by trolling. Well, we don't do a little. We do quite a bit of bait fishing too, but that's just ball and line fishing, very similar to the way the sportsmen catch them. We don't use sophisticated gear to catch them. The escapement of fish in the methods that we take must be terrific and that's so that the species isn't endangered, but we do concentrate on one particular fish. It's a highly migratory fish. We fish all the way from—almost Ketchikan to as far down south as Guadalupe, Mexico. I know that we fish off of foreign countries also.

It's my hope that if there is a 200-mile limit adopted by this country and others, that there'll be some provisions made that we can fish. I'm sure we can. We've already made progress, if this goes through, that we'll fish their waters. We're both mostly concerned with the

foreign intrusion, not with our own neighbors, that, in the neighbor area.

I don't know whether I answered your question or not.

Senator TUNNEY. Well, I understand what you're suggesting is that it's the difference between a family-owned drugstore and a nationwide chain, that the procedures that they have for going after the fish and the technology that they use enables them to catch far more of the school than the techniques that you use, and that they have the capacity to wipe out a species where you do not have that capacity. You don't have the technology to do it. Is that right?

Mr. MUNRO. What I had in mind when I made the statement was I was thinking of the New England fishery of Georgia's banks and New England, our Bering Sea fisheries, and my own personal experience is, watching these fleets, it's a hair raising thing to see. You can see a Russian fleet a long ways away by the smudge over the horizon. I've been headed in from the tuna grounds and I've come across the fleet and on three occasions, working off the Columbia River, and there's—like I indicated in my statement at this time, there's an average or there were about 14 catcher boats. They make a sweep through an area with these nets, 3 to 5 miles long, and then turn; and, as they turn, they pulling that and make a sweep back, 3 to 5 miles. Twelve to 14 of these boats are doing it, each with a capacity, as I indicated of 30 to 50 tons, each boat, a tremendous amount of fish. I pulled my own gear and came alongside them. I could have thrown a Coke bottle on the deck. I wanted to see personally what they did catch, regardless of what they say they catch. I wanted to see what they catch, and I was as close as I could get. This net, as Dennis indicated, isn't the kind of net that you can see through. I couldn't see what it was, but I did see them on several occasions hauling a net in on the boat. I came right up alongside the net. The thing was tremendous; just the bag that held the fish, it appeared to me to be about 8 feet in diameter and probably 30 feet long. It's just the bag. And that thing was packed. It looked like a huge sausage. But I couldn't identify the fish, so I can't say that they had our salmon. They were 12 miles and probably 1 inch off the Columbia river, and I can't say that they had our salmon, but it's a pretty good salmon area and the local salmon boats were working the same area, so I know there were salmon there.

Senator TUNNEY. If that kind of activity continues, how much longer do you think our fishing, our coastal fishing, resources will last with that kind of activity?

Mr. SPEER. I think that the New England fisheries went from 20 percent of the production of the United States down to almost nothing in 10 years. They're pretty heavily fished, of course, by foreign ships, who are now looking for other more productive areas. They're in our backyard right now off of Moss Landing. There's a large fleet out there. Right from my boat in the slip in Moss Landing, I can turn the radio on and listen to them chattering out there. That's the VIFF. It's not the wireless. It doesn't have much range. They're not trawling.

As a director of Western Fishboat Owners and the secretary-treasurer of that organization, I sit in on a tremendous amount of

these conversations of foreign intrusion and often the subject of national security is brought up. I'm rather surprised that it hasn't been brought up today. We've seen those Russians fairly bristling with pretty sophisticated electronic gear, things that aren't associated normally with the fishing industry, Pueblo-type gear. I know that. I've heard they make voiceprints of our submarines with their sonar, which is vital in identifying that submarine or that ship later. I understand that in some of the publications I've read and in discussions I've sat in on, they have trailed our U.S. Naval ships during their maneuvers. I just mention this in passing. I'm surprised that it wasn't brought up here. It seems to me a vital point.

Senator TUNNEY. It could have, I suppose, been brought up by Admiral Whalen. I don't know if that is a problem or not, but we have to find out. I want to thank you very much, both of you gentlemen. I appreciate your interest in the hearings and expressing an opinion. I think it's important to the hearing record that we have men that are actually doing the fishing. I appreciate your being here.

Mr. SPEER. Thank you, sir.

Senator TUNNEY. Mr. Ray Arnett, director of the California Department of Fish and Game.

**STATEMENT OF ROBERT KEENAN, CALIFORNIA DEPARTMENT  
OF FISH AND GAME**

Mr. KEENAN. Thank you, Senator. I am not Ray Arnett. He could not be here today. My name is Robert Keenan. I am with the California Department of Fish and Game.

He had a very short statement, which I would like to read, Senator. Can I proceed?

Senator TUNNEY. Yes, please proceed.

Mr. KEENAN. Foreign fishing vessels have appeared in increasing numbers off the California coast in recent years. This follows a trend of major fishing and maritime nations to expand their exploration and harvesting activities. Russia and Japan, the principle foreign fishing fleets operating off our coast have concentrated greater effort on the fisheries off Oregon, Washington, and Alaska. Russia has been operating off of California since 1966 and is the most active fishing fleet in these waters.

The Russian fleet has, since its arrival off California, been geared to fish almost exclusively for hake, a species fished only slightly by U.S. fishermen. The Russians, however, sometimes take large quantities of rockfish mixed with the hake. As a matter of fact, the incidental take of the rockfish by the Soviet fleet has in some years exceeded the entire rockfish catch of the California fisheries. They have agreed, however, to avoid fishing for hake in areas of known rockfish populations in order to reduce high incidental rockfish catches.

Soviet fishing activity off California in the spring of 1973 was the largest ever observed by agents of the National Marine Fisheries Service and California Fish and Game wardens who jointly share the responsibility for maintaining surveillance of foreign fishing vessels operating off our coast. Twenty-three Soviet fishing vessels

appeared in late April on the Cordell Banks west of Point Reyes. This fleet expanded to a total of 35 vessels during May. The Soviet fishing effort was centered from Monterey Bay to Point Arena from late April to early May and from Cape Mendocino to Point St. George in mid and late May. The entire fleet moved out into Oregon waters at the end of May. A fleet of from 6 to 20 trawlers fished off the Klamath River intermittently throughout the summer.

In 1969, Japan began to show interest in saury off the California coast because their domestic catch was continually declining. As a result, an experimental saury fishery was initiated during the fall months of that year. Saury, incidentally, is used primarily as bait by the Japanese high-seas tuna longline fishery. This exploratory cruise was considered successful, with five vessels taking over 300 tons. Subsequently, 20 Japanese saury vessels planned to fish in the North Pacific in 1970, but only one ventured as far south as California. This is undoubtedly because the average size of saury is greater in northern schools. If these schools come under increased fishing pressure, the feasibility of fishing for the smaller size schools off California will increase.

To date, the very great proportion of foreign fishing effort has been off the north and central California coast. Most of the concerns have been directed toward the fleets of Russia and Japan. However, other nations' fleets are of concern. A Polish vessel has operated and a German vessel has operated off the Pacific Coast and there is the potential that expanded fleet activities from other nations exist. The Soviets have expressed considerable interest in the large population of northern anchovy available in southern California ocean waters and an exploratory cruise by a Soviet research vessel in the spring of 1973 demonstrated that anchovy could be taken in reasonable numbers by trawl nets. Our information is that the U.S.S.R. does not plan to initiate an anchovy fishery off California during the next 2 or 3 years. The Soviets have indicated that they would need to work out processing problems before initiating an anchovy fishery.

At this time, it's difficult to assess the impact of foreign fishing activities on the stock of fish occurring off the California coast. Because California fishermen do not participate in the hake fishery, judgment as to damage done to these stocks is difficult, there is no question. There does exist a potential threat to our management plans for the rockfish fishery, as the Russian incidental catch is large, and also to the anchovy fishery if the Soviets decide to mount a large scale fishery off southern California, since they would be in direct competition with California fishermen. California has in the past and will continue to support the position of the U.S. State Department relative to the management of marine fisheries.

That's the end of the statement. I think one thing that might be significant is the fact that in the month of March we had some 16 Soviet vessels off California, more than we would reasonably expect. I think, as other witnesses have indicated, that fleet of 16 has expanded during the month of April, whereas there are some 31 Soviet vessels operating in the same general region.

There was a question, I think asked, Senator, relative to sport fishing in Mexico and licensing, what effect that would have upon the American fishermen in Mexico. Inasmuch as all the fishermen are within 3 miles of the Mexican coast, they are now fishing on a permit issued by the Mexican Government and pay a customary license fee.

Senator TUNNEY. I see. You read in the statement for the Agency, which suggests that you're going to follow the State Department position relative to management of marine fisheries. Does that mean whatever the State Department decides to do, you will support it?

Mr. KEENAN. I wouldn't say so, sir. No. I believe that the present policy, as I understand it, on the three species concept is what we're supporting at this time. If they'd change that, that'd be another matter.

Senator TUNNEY. So you're not supporting the bill before us?

Mr. KEENAN. No, I'm not, sir. I would like to make mention of another thing in case the previous witness made you think that the Russians were taking albacore. They're not taking albacore.

Senator TUNNEY. What do you perceive to be the danger to our fisheries as a result of this foreign implosion into our coastal fisheries?

Mr. KEENAN. Certainly it's a danger; it's a real danger.

Senator TUNNEY. What mechanism do you have within the Agency to make a determination of whether or not any species is becoming extinct, or is being threatened?

Mr. KEENAN. We operate two research boats here in California, Senator. We make periodic cruises. We have had California scientists, fish and game scientists, aboard Russian research vessels. We share that duty with the National Fisheries Service, and through the monitoring of catches. When you do not have a fishery yourself, this makes the problem more difficult. If we had a hake fishery, it'd be much easier to determine the amount of damage that we've done to the hake stocks.

Senator TUNNEY. Is there any estimate of damage to any of our fisheries by the foreign vessels?

Mr. KEENAN. It's very possible that the hake stocks are reduced, not depleted.

Senator TUNNEY. How about salmon?

Mr. KEENAN. I don't believe there's any evidence to indicate there, sir.

Senator TUNNEY. So the only possibility would be hake, and you're not sure?

Mr. KEENAN. I think because the Soviets themselves indicate the catches of hake have declined, even though it would certainly be a reasonable assumption that the hake stocks are not as high as they were prior to the Russian invasion.

Senator TUNNEY. What, if any, procedures have you developed for making a determination as to an appropriate harvesting of a particular fish species in the ocean to maintain the species as a viable source of a commercial fishery and also just to, in a biological sense, to maintain the species at levels that are acceptable?

Mr. KEENAN. We have in California a number of fisheries, a quota system. The anchovies, mentioned here earlier, we fish anchovies in California under a quota system that was 100 thousand tons. Of course, we lose several hundred thousand tons prior to the close of the season and, consequently, the California Fish and Game Commission ordered another 20,000 tons which they're currently fishing. We think the quota system is a sound management tool. However, it takes considerable research to determine the suitable quotas, what level of fish we can take. We subscribe to the precepts of the American Tuna Commission, which regulates the taking of tuna in the Pacific. This is a quota system.

Senator TUNNEY. Do you use a limited entry system?

Mr. KEENAN. We are just barely getting into that, Senator. We used limited entry with the very small herring fishery here in San Francisco and Tomales Bay the last season. We intend to continue that.

As you know, there are constitutional problems we run into.

Senator TUNNEY. I'm having a bit of difficulty reconciling your personal observation that there is a threat to our coastal fisheries from these foreign vessel incursions and the fishery position of the Fish and Game Commission that you're going to support the State Department's position, which at the moment would not seek in any way to manage the resource by extending the territorial limit to 200 miles and thereby limiting foreign entry. Could you perhaps make a connection between your view and the fishery position to the Commission?

Mr. KEENAN. I think the rationale for our position is that we feel that the three species concept has the most promise for the longest period of time. I think it would solve more problems at this particular point. Now, of course, I agree with the position, if the Law of the Sea Conference continues to go on and doesn't come to any successful conclusion, I think we would certainly look at the situation again.

Senator TUNNEY. Your view is predicated on the fact that there's going to be a decision made on the Law of the Sea Conference within the next year or so?

Mr. KEENAN. We certainly hope so.

Senator TUNNEY. Has there been any thoughts that you would review the situation again?

Mr. KEENAN. I'm sure that we will have observers at the Law of the Sea Conference and, if necessary, we would review it again.

Senator TUNNEY. Thank you very much.

Mr. KEENAN. Thank you, sir.

Senator TUNNEY. Our next witness is Ronald Andreani. Is Mr. Andreani here?

[No response.]

Senator TUNNEY. All right. Our next witness is Mr. Ed Kohlhauf. Is Mr. Kohlhauf here?

Please proceed, Mr. Kohlhauf.

**STATEMENT OF ED KOHLHAUF, SALMON UNLIMITED**

Mr. KOHLHAUF. Mr. Chairman, my name is Ed Kohlhauf representing Salmon Unlimited. Salmon Unlimited is comprised of representatives of both the commercial and sportfishing industry, working as a team for the propagation and conservation of the anadromous fish resource.

At the last regular meeting of Salmon Unlimited held in Ukiah April 13, all members present voted unanimously to support S. 1988 for the following reasons:

1. Anadromous fish, especially salmon, are in great danger of being overexploited by foreign fishing vessels on the high seas.

2. Anchovies are now the main food supply for the anadromous fish resource. We have on good authority that foreign fishing vessels are starting to take these forage fish in 1974.

3. Many nations are already protecting their fish resources by means of a 200-mile extension of their fishery zone.

4. United States commercial fishermen are already forced to curtail their activities to allow sufficient spawning escapement because foreign fishing vessels take an unfair amount of immature salmon on the high seas.

5. Large modern foreign fishing fleets using sophisticated electronic gadgets are capable of exploiting any species of fish to an extent to where it will be almost impossible to bring these resources back to their former abundance.

6. While the coastal nations of the world will soon try to come to an agreement at the Law of the Sea Conference on how best to protect the ocean resources, many a year will pass before such agreements are going to be implemented. Therefore, it is of the utmost importance that during this interim period the United States extends its contiguous fishery zone to 200 nautical miles at the earliest possible time.

7. A large segment of the population of the United States is dependent for their livelihood upon a healthy fishery resource off its coasts.

For all of these aforementioned and other reasons, Salmon Unlimited urges the Congress of the United States to extend its fishery contiguous zone to 200 miles, preferably by passing S. 1988 by Senator Magnuson for the benefit and welfare of its citizens.

Senator TENNEY. Can you tell me what you consider to be the impact of the fisheries off the coast of California as a result of the intrusion of the Soviet fleet? Can you tell me what you consider to be the impact on such as the salmon fishery?

Mr. KOHLHAUF. You have heard testimony earlier that one particular year the salmon resource all at once disappeared. It's been tracked along the U.S. waters by fishermen and it just disappeared, and we can not say that foreign fishermen took it because something else could have happened, but over the years, they didn't.

The big danger is that their hake are gone too. They may still hold to agreements as long as it suits them and I'm afraid that once they lose the ability to take fish as they please and before any Law



of the Sea come to the States, implement, just clean out and take what they can take.

The Law of the Sea Conference in 1958 in Geneva, all nations say it is necessary. Conservation of stocks is necessary. They should not be fished to more than what is a substantial yield, but also agreed that at the time scientific knowledge definitely points to the problem and scientifically states that these fish are in need of protection. It is already too late. That's where the danger lies. If you don't get 200 miles, we do need some concept to conserve our fishery during the interim period. That is the most important part.

Senator TUNNEY. Does your association have any contact with the tuna fishermen and have you attempted to resolve the differences that you have with regard to this legislation?

Mr. KOHLHAUF. Not directly, no. We did not talk to them. We know their problem. I guess if I was an owner of a big tuna seiner, I would be against the bill too. The pocketbook tells the story.

Senator TUNNEY. It sure does. Let me ask you this. What is the investment that you have in your boat or equipment?

Mr. KOHLHAUF. Let's see. Do you want just the sportfishing or the commercial boats?

Senator TUNNEY. You're a commercial fisherman, aren't you?

Mr. KOHLHAUF. No, personally, I'm sports, the Golden Gates Sportfishing.

Senator TUNNEY. All right, I'd like sports then. How many people participate in sportfishing for salmon? What kind of an impact, dollar impact, would it be?

Mr. KOHLHAUF. We operate about 120 boats in the Golden Gate Sports Association, and that comprises maybe 80 percent of party boats, sportfishing vessels, and we can safely say that we transport about 10,000 individual fishermen to the fishing grounds fishing for salmon.

Now, Salmon Unlimited and all its members have been really hard-working towards a goal to get more fish out in the ocean. We've been very successful in getting the Department of Fish and Game to transport them downstream for better survival. We've been very successful, but our fishing catch was about the same. The spawning grounds, which is the real measurement of fishery has been down the last couple of years and come up some this last season, 1973. We do fish in the sportfishing right off here, San Francisco, where the fish come out from the river system. We have—It shows right out here. It seems the fish stay in this neighborhood, and we do fish mostly 2 to 2½ year-old fish, and our catch has increased tremendously the last 10 years over the 10-year period before on account mostly of practices to raising the fish to a larger size and escorting them downstream to keep them free of problems in the river, but those fish don't seem to grow up. They don't seem to get back to the spawning grounds. It should be the same proportion being caught in the commercial fishery the next year, the year after, and a bigger proportion should be returning to the spawning grounds, and they don't come in the numbers that they're supposed to be according to what's happening or what is released out in the oceans. Something happens to them

out in the ocean. There's no doubt about that. What is it, we don't know.

We have problems in the sealands. We have water problems also, yes, but still proportionate, I do believe that we lose salmon to the foreign fishermen. Several of our members in Salmon Unlimited like the one gentleman said he tried to observe, what they are catching, but it can't be done.

Senator TUNNEY. These 10,000 fishermen that you transport, how much does that represent in the way of money that they pay for the privilege of going out in the gulf?

Mr. KOHLHAUF. The anadromous fishermen, the average cost of the boat itself is \$20. It doesn't take any transportation or whatever else he has to spend to rent the boat, the sinkers, the cost of the boat.

Senator TUNNEY. Are we talking about what, \$200,000?

Mr. KOHLHAUF. Yes.

Senator TUNNEY. Per year?

Mr. KOHLHAUF. Per year.

Senator TUNNEY. For your association. Well, thank you very much Mr. Kohlhauf. I appreciate it.

Mr. KOHLHAUF. Thank you for letting me testify.

Senator TUNNEY. The San Francisco Tyee Club, Mr. Robert Brown, conservation chairman, submitted a statement to the committee.

Mr. Brown, we're going to have to close this hearing at the very latest at 3 o'clock and we have Mr. Charles Moe, the Associated Sportsmen of California, also. We have your statement. If you would like to add something to it orally for a few minutes, I'd be delighted, but I have to leave at 3 o'clock, but we will incorporate your statement as part of the record. Did you have anything that you'd like to add to it orally?

**STATEMENT OF ROBERT BROWN, CONSERVATION CHAIRMAN,  
SAN FRANCISCO TYEE CLUB**

Mr. Brown. Not really, Senator. The pronunciation is Tyee. That's an Indian word for king salmon. I have really nothing to add other than what is here. I think our statement covers it pretty well.

The program that's underway now that's mentioned in here and under the Manchester program, which I made reference to here, in Washington, they are currently raising in the area about 2 to 4 million salmon a year, both commercial and sport, and this is the intent here of this program. It's a feasibility program. We're starting to propagate the fish here in the bay if it is feasible and we hope to get into the ocean, but I think the statement pretty well speaks of our position.

Senator TUNNEY. Well, it's very clear.

Mr. Brown. I appreciate the opportunity.

Senator TUNNEY. And we appreciate you submitting it too. Thank you very much.

Mr. Brown. Thank you.

[The statement follows:]

STATEMENT OF ROBERT BROWN, CONSERVATION CHAIRMAN, SAN FRANCISCO TYEE CLUB

I am Robert Brown, Conservation Chairman of the San Francisco Tyee Club which Club is based in San Francisco and is primarily a Club dedicated to the conservation, perpetuation and management of the salmon resources of the State of California.

It is imperative that this club voice its serious objection to the uncontrolled exploitation of the ocean waters of the Atlantic, Pacific and Gulf Coastal Zones and we believe that unless serious and immediate action is taken by the United States Government to establish at least a 200 mile limit disastrous depletion of fish inventories in our waters under the presently antiquated 12 mile limit will occur.

The San Francisco Tyee Club, by nature of its charter as a non-profit California Corporation diligently engages in projects intended to enhance both the sport and commercial fisheries. An annual Scholarship Fund for graduate students in marine biology awarded toward the propagation and conservation of ocean fisheries and in addition and working in conjunction with the University of California (Sea Grant Program) and the Tiburon fisheries laboratory, U.S. Department of Commerce National Fisheries Service we are embarking on a salmon rearing program in San Francisco Bay on a non-commercial basis.

Through these programs and those currently underway at the Manchester Project in the State of Washington literally millions of salmon will be pen raised and turned out into the ocean benefiting both sport and commercial fishing efforts.

Under the present unreasonable 12 mile limit a substantial loss of these nurtured fish will be found in the foreign nets and will not in any benefit those organizations who are diligently working toward a betterment of the ocean fishery for the American public.

We respectfully urge the committee to approve the 200 mile off shore fishing limit.

Senator TUNNEY. And how about Mr. Charles Moe, who has submitted a statement for the Associated Sportsmen of California. Do you have anything to add?

Mr. KOHLHAUF. Charles Moe had to leave.

Senator TUNNEY. Well, it's very clear that the Associated Sportsmen of California also request that we endorse the 200 mile concept. It'll be incorporated in the record.

[The statement follows:]

STATEMENT OF CHARLES MOE, PRESIDENT, ASSOCIATED SPORTSMEN OF CALIFORNIA

Mr. Chairman and Members of the Committee: I am Charles Moe, President of the Associated Sportsmen of California which group represents approximately 7500 members.

This organization is active in the 14 Bay Area Counties and has been in existence for 50 years during which time the membership has actively participated in the preservation, wise use and management, enhancement and maintenance of our natural resources.

Accordingly we have in the past taken strong actions through legislative means to protect from commercial despoliment several of our anadromous fishes such as striped bass and salmon as well as other species such as catfish.

Our membership has long been concerned with the activities of foreign fishing vessels off the California Coast and the threat posed by the extremely sophisticated fishing methods of these foreign commercial fishermen.

Peculiarly we do not hesitate in imposing laws and restrictions on our own local commercial fishermen so as to avoid a depletion of a resource but then we have no control over those foreign nations who are actually endangering our fishery resources through over fishing and modern methods.

In addition to our own commercial fishermen whose livelihood hangs in the balance we must also be concerned with the welfare of the entire population of the United States whose dependence on the resources of the ocean waters is of great consequence at the present time but future needs most certainly will be of far greater proportions.

Therefore, The Associated Sportsmen of California does respectfully request that the Committee endorse the 200 mile zone concept on the Atlantic, Pacific and Gulf Coasts thereby providing the means to avoid complete extinction of many of our ocean resources.

Senator TUNNEY. Is Mr. Carpenter here?

[No response.]

Senator TUNNEY. Is Mr. Andreani here?

[No response.]

Senator TUNNEY. All right. This concludes our hearing in San Francisco, and the committee will be considering the record, not only of this hearing and the one in San Diego, but the ones that have been held in Washington, the State of Washington, Washington, D.C., Alaska, Massachusetts, and Rhode Island over the next few weeks. I would anticipate that if Senator Magnuson's plan is continued in the future as it has been articulated in the recent past that we will be marking up this legislation sometime before June. So I appreciate the time, the effort of the witnesses, who came here and made available to us their expertise, and the hearing will now adjourn.

[Whereupon, at 3 p.m., the hearing was adjourned.]

## INTERIM FISHERIES ZONE EXTENSION AND MANAGEMENT ACT OF 1973

FRIDAY, APRIL 26, 1974

U.S. SENATE,  
COMMITTEE ON COMMERCE,  
SUBCOMMITTEE ON OCEANS AND ATMOSPHERE,  
*Washington, D.C.*

The subcommittee met at 10:15 a.m., room 5110, Dirksen Building, Hon. Warren G. Magnuson (chairman of the committee) presiding.

### OPENING STATEMENT BY THE CHAIRMAN

The CHAIRMAN. The committee will come to order.

This morning we continue a series of hearings on the question of whether the United States should extend its fisheries contiguous zone to 200 nautical miles beyond our shores. Hearings have been held in Washington, D.C. prior to this, in Washington State, in Alaska, and last week in California, and there will be hearings in the New England area in the next 2 or 3 weeks.

As I promised on the first day of the hearings, all sides of this question will be provided ample opportunity to give their views. To date, the testimony we have received is overwhelmingly in favor of the legislation being considered. Depletion of our marine fisheries is a fact. All the evidence, none to the contrary, is that it is going down, down, down. And the inability of existing international arrangements to prevent further depletion has been documented also.

Today we will hear from those segments of the fishing industry who are opposed to this legislation. After reviewing advance copies of their testimony, I can state that none of the witnesses today disputes either the fact of depletion of our fish resources or the complete ineffectiveness of existing international arrangements. Nobody disputes that. And I am here to discover the exact nature of the opposition when these two things are happening, and I hope there won't be testimony on wishful thinking or testimony attributed to the fact that we are afraid of some other nation's doing something to us that they are doing now. I don't see how we can continue to let them have everything they want and we do nothing to protect ourselves.

Many of the witnesses here today have been here before, and most of the time they are here complaining about other countries doing something to them. And to me there is something inconsistent. But I

am open-minded. I and the committee want to hear from all of you and see what your viewpoints are.

Year after year American fisheries people have been in this committee room complaining about discrimination of other nations, or some fear that they may do something—and we are trying to correct that.

Now, we have quite a few witnesses here and I think maybe, Bill Utz, you and Mr. Sahlman and Mr. Mauermann might come up together because you are going to discuss the same subject.

Mr. Utz, do you want to testify first?

Mr. Utz. Yes, sir.

The CHAIRMAN. We will put all of the statements in the record in full, in case you want to just highlight them.

Pull that microphone as close as you can and talk as loud as you can, because the acoustics in this room are not too good.

Mr. Utz. Yes, sir.

The CHAIRMAN. All right.

**STATEMENT OF WILLIAM NELSON UTZ, EXECUTIVE DIRECTOR,  
NATIONAL SHRIMP CONGRESS**

Mr. Utz. Mr. Chairman, I am Bill Utz, appearing here today as executive director of the National Shrimp Congress. The National Shrimp Congress, Inc. is a Delaware corporation with its principal headquarters in Washington, D. C. This nonprofit organization was formed in 1956. It is an organization whose membership is made up primarily of shrimp producers throughout the gulf coast States.

Before I begin my own testimony, I would like to submit for the record a resolution which was adopted by the Gulf States Marine Fisheries Commission. The Commission is a compact that was created by the Congress and it is composed of representatives from all the gulf States, Florida, Alabama, Mississippi, Louisiana, and Texas, and there are three members from each of those States participating in the compact. One is the head of the salt water fisheries, one is the representative appointed by the legislature of each State, and one is a citizen appointed by the Governor, usually a commercial or sports fisherman.

That resolution in essence says they require the Congress of the United States to withhold any unilateral fisheries extension legislation prior to the conclusion of the Law of the Sea Conference that convenes in June 1974.

[The resolution follows:]

**RESOLUTION**

Whereas, the Gulf of Mexico supports some of the most important and valuable fisheries of the United States, AND,

Whereas, any unilateral fisheries extension legislature by the Congress of the United States would have a detrimental effect on the distant water shrimp and spiny lobster fisheries, AND,

Whereas, the United States State Department has been working for the past seven years to bring about a Law of the Sea Conference in order to address the problems affecting worldwide fisheries resources management, Now, therefore be it

*Resolved*, That the Gulf States Marine Fisheries Commission request the Congress of the United States to withhold any unilateral fisheries extension legislation prior to the conclusion of the Law of the Sea Conference that convenes in June 1974.

Passed unanimously this 20th day of March, 1974, in New Orleans, La.

A copy of this resolution is to be distributed to all the members of Congress in the states comprising the Gulf States Marine Fisheries Commission.

\* \* \* \* \*

This is to certify that the foregoing is a true copy of an original Resolution adopted by the Gulf States Marine Fisheries Commission, March 20, 1974, at a regular Commission meeting held at the Montelcone Hotel, New Orleans, Louisiana.

JOSEPH V. COLSON, *Executive Director*,  
*Gulf States Marine Fisheries Commission*.

Mr. UTZ. For my own testimony in regard to S. 1988, in my judgment if it is reported from this committee and passed by the U.S. Senate at this time, it will be the most damaging blow the U. S. Senate could render the U. S. shrimp industry and the American fishing industry as a whole.

The CHAIRMAN. Do you speak for the fishing industry as a whole?

Mr. UTZ. No, sir, I speak for the shrimp industry.

The CHAIRMAN. Then it shouldn't be in your testimony.

Mr. UTZ. I am saying it is my judgment, Senator.

The CHAIRMAN. Your personal judgment?

Mr. UTZ. Yes, sir.

To lend credit to that statement, I would like to set forth some facts and figures on the U. S. fishing industry. According to National Marine Fisheries Service statistics for 1973:

Ex-vessel values:	
Total U.S. catch-----	\$907, 400, 000
Total U.S. shrimp-----	241, 307, 000
Total U.S. tuna-----	131, 573, 000
Total U.S. salmon-----	125, 113, 000
Total shrimp, tuna, and Salmon-----	497, 993, 000

The American shrimp catch represented roughly 26 percent of that total value, and the shrimp, tuna, and salmon catches account for roughly 55 percent of the total value.

There are here today representatives from the tuna and salmon industries, so I will let them speak for the specific impact that this legislation would have on their industries, but as far as the shrimp industry is concerned, it would have the following impact specifically:

S. 1988 would negate the Brazilian-American shrimp treaty.

It would foreclose present possibilities of workable agreements with Mexico.

It would negate all U. S. efforts towards a fisheries agreement in the Law of the Sea Conference and limit U. S. participation to supporting a 200-mile fisheries provision or sitting by while some other form of agreement is reached.

It would have an indirect impact on U. S. coastal shrimp fishermen by forcing upon them excessive competition from those high-seas fishermen forced to return to the U. S. gulf.

As far as the American-Brazilian situation is concerned, we have in effect today a highly workable treaty with Brazil. This treaty was worked out approximately 2 years ago, and for the past 2 years it has worked on a purely voluntary basis, inasmuch as the enabling legislation was not signed into law until the final days of 1973.

The CHAIRMAN. That was after they put in a 200-mile limit, wasn't it?

Mr. UTZ. They have always had in their constitution a 200-mile territorial sea.

The CHAIRMAN. This was after they had a 200-mile limit?

Mr. UTZ. Yes, sir.

The CHAIRMAN. Sure they do.

Mr. UTZ. But I might point out the only leverage we had in negotiating that treaty, Senator, was the fact we did not recognize 200 miles. If we did recognize 200 miles——

The CHAIRMAN. Oh, I know all about that treaty, and I know why they did it. Proceed.

Mr. UTZ. All right, if we did legislate 200 miles, Senator——

The CHAIRMAN. There's a lot about that treaty that is not down in the record.

Mr. UTZ. There's a lot about laws that is not down in the record, Senator.

But if we did recognize 200 miles, right now that treaty has been extended by letter to June 30, 1974. We have to go back and meet the Brazilians and renegotiate the extension of that treaty. If this law is passed, how could we go back to talk with the Brazilians in terms of the negotiation? We can't.

We will have to go back to talk not as negotiators, but as purchasers, because they will be saying, "We own the shrimp. We own everything 200 miles off shore."

And if you pass S. 1988, how can we deny that? Because this Government will, in essence, be claiming exactly the same type of treatment.

S. 1988 would foreclose present possibilities of workable agreements with Mexico. At present we have no agreement with Mexico. At present, Mexico does not claim a 200-mile contiguous fishing zone. Many of her Latin neighbors do. They have been exerting great pressures to have Mexico declare a 200-mile contiguous zone.

For some time now Mexico has said they are interested in the arrangement we have with Brazil, and they have intimated they would be willing to discuss a similar agreement with the United States. The Gulf shrimp industry, particularly Texas and Florida, are dependent upon those fisheries that would be caught up in a 200-mile confrontation with Mexico.

In my judgment, if this legislation is put into effect, we would force Mexico to immediately claim a 200-mile fishery zone also.

This bill would wipe out all the efforts that we have exerted to date toward acquiring a fisheries agreement in the Law of the Sea Conference and limit our participation there to supporting a 200-mile fisheries provision or sitting by idly while some other form of agreement is reached.



Since early in 1972 I have attended all of the preparatory conferences that have taken place in regard to that Law of the Sea Conference. I have had the privilege of being designated one of the four official fisheries representatives in the U. S. delegation to the conference.

I might add that we are fortunate to have here today four of the six fisheries representatives who have consistently been at every conference that has been held to date in preparation for that Law of the Sea Conference, and I might also point out that five of those six would be consistent with the position I am taking in regard to S. 1988.

But I can tell you, Senator, that if the language that is in this legislation is passed, we will not have one leg to stand on when we go to Caracas to negotiate, we can only stand by and be a rubber stamp for the 200-mile legislation.

Up to date we have been trying to negotiate a treaty that would be—

The CHAIRMAN. You sound to me like the State Department cleared your speech.

Mr. UTZ. No, sir.

The CHAIRMAN. It didn't?

Mr. UTZ. No, sir.

The CHAIRMAN. All right.

Mr. UTZ. I usually write my own—hand-made.

There will be nothing left for the American fishing industry to negotiate. All our efforts will have been for naught without anything that we can do about it, because up to this point we have been trying to put together a fishery position, and we did, in fact, agree within the industry to support the species approach, and that approach, if it is possible to get it worked into an international agreement, would be able to protect the whole American fishing industry without serious damage to any one segment of the American industry.

Further, S. 1988 has an equally drastic impact on our efforts to negotiate any multinational fishery agreements because of the bad faith posture it creates for the U. S. negotiations. This bill rejects—it unilaterally rejects—the multinational agreements to which we are parties.

In 1958 this country was a party to four conventions that came out of a major conference held in Geneva:

Convention on Fishing and Conservation of the Living Resources of the High Seas.

Convention on the Territorial Sea and the Contiguous Zone.

Convention on the Continental Shelf.

Convention on the High Seas.

All four of these conventions were ratified by the United States. Therefore, we view them as law, applicable to us as a country and to each and every citizen of this country.

These conventions are recognized in varying numbers by other nations: The Fisheries Convention has 33 member nations; the Territorial Sea Convention is accepted by 42 nations, the Continental Shelf Convention by 51 nations, and the High Seas Convention by 52 nations.

Each and every one of these conventions is recognized to varying degrees, ranging from international legislation to general acceptance as international law, by countries throughout the world. The United States, as I stated, has recognized those conventions, yet S. 1988 would deny recognition. In fact, it would go directly contrary to certain provisions of those very treaties which the U. S. Senate has ratified.

In my judgment you can not blow hot and cold at the same time about anything, and we either honor our agreements or we don't. We can not pick and choose which segments of a multinational agreement that we will honor, which we will breach, and which we will unilaterally amend.

This legislation, in my judgment, is in conflict with the Geneva Convention on Territorial Sea and Contiguous Zone. That particular convention clearly spells out that the right of a coastal nation to establish a contiguous zone to its territorial sea is limited. That provision states:

The contiguous zone may not extend beyond 12 miles from the baseline from which the breadth of the territorial sea is measured.

So not only is this bill in conflict with the multinational convention which we have ratified, it is in conflict with generally accepted international law and, by a mere tally of numbers, it is totally out of step with the nations of the world. According to statistics released by the State Department, 92 nations claim only 12 miles or less as their fishing limits.

Contrarily, there are only 10 nations which claim a 200-mile fishing zone. Those nations are: Argentina; Brazil; Chile; Ecuador; El Salvador; Nicaragua; Panama; Peru; Sierra Leone; and Uruguay.

Senator, some of those nations have been declared, by Members of this very Congress, as pirates when they took ships off their coast within a 200-mile area. It seems we are picking up some strange friends.

While those countries that are parties to the Convention on Fishing and Conservation of the Living Resources of the High Seas include few, if any, of the offenders of the Northwest Pacific and New England fishing grounds, at least that Convention and its provisions is recognized by over three times as many nations as those who would concur with the unilateral action this bill proposes.

What I am suggesting for this Congress is a more positive approach to move for strong action under those multinational agreements to which we are presently a party. Such action would have greater international acceptance, but, most importantly, it would have the most immediate beneficial impact on the fishermen you seek to help.

Such action would accomplish a great deal for the fishing industry. The industry could unite and support such efforts.

The CHAIRMAN. Mr. Utz, there is no question about what you say. That is the best way to do it.

Mr. Utz. Yes, sir.

The CHAIRMAN. But I have waited 16 years and nothing happens, and our fishermen have waited, and in the meantime—maybe not shrimp, but many of our other stocks are being depleted. They are going down, down, down. We have only four halibut vessels going out in the Bering Sea this year.

And I know the countries that have the 200-mile limit. We are talking about the other fishing countries that are depleting our stocks, such as Russia and Japan. We found a Polish ship off our west coast recently. This is what we are talking about.

Now, if we could get an international agreement, that would be fine. I was at Geneva—that was 16 years ago—and we couldn't get it done.

I am a member of the Law of the Sea Conference. You are one of the advisors on it, I believe. So they met almost 2 years in New York, didn't they?

Mr. UTZ. Yes, sir.

The CHAIRMAN. All right. And they passed one resolution. You know what that was? To recess and go to Caracas. That's a great accomplishment in 2 years, isn't it?

Then from Caracas they are going to Vienna.

I don't know how long this goes on. This is our problem. If we could do these things by international agreement it would be fine. But it isn't so much the countries that have the 200-mile limit. It's the countries that are coming off our shores. We don't fish off Russia, but they fish on our grounds.

This is why the problem needs—as you testified to and from your viewpoint of the shrimp industry—some kind of drastic action. If this goes on, there won't be any fish off our shores at all, and if you think it's bad, I can tell you off the North Pacific coast, the depletion is such that there are no ocean perch left at all, and the hake is going too. You don't take it. Now, what are we going to do about that?

You haven't got an agreement, and I'll make you an even bet—I'd be willing to bet you won't come to any agreement in Caracas. What you say is correct. If we could have these voluntary agreements all over, that would be fine, wouldn't it?

Mr. UTZ. Yes, sir; it would.

The CHAIRMAN. That would be it. But we haven't got them and I don't think we are going to get them.

When you talk about Law of the Sea agreement, even if we got one, it would be 3 or 4 years before the nations ratified it. By that time we'd be dead in some of our fisheries; they'd be gone.

I don't know and I never could understand my salmon people as to the effect of a 200-mile limit. The salmon are out there 2,000 miles. It doesn't affect them at all. Our treaty with Japan and Canada is still in effect out there.

The bill specifically exempts all present treaties, including your shrimp treaty. It exempts it. I just can't see the connection between these treaties and protecting our shores from the depletion in the North Pacific. Wait until you hear the New England people com-

plain about what foreign fleets are doing out there. I don't see any connection between that and treaties for fisheries beyond the 200 miles.

Incidentally, how much shrimp is caught within 200 miles?

Mr. UTZ. Within 200 miles?

The CHAIRMAN. Put those figures in the record, if you have them.

Mr. UTZ. All right; I have those figures.

The CHAIRMAN. And how much of your total catch outside 200 miles?

Mr. UTZ. We have very little caught outside of 200 miles.

The CHAIRMAN. Well, you will just be protecting the ones inside.

Mr. UTZ. Not quite, Senator, because we have distant-water boats that would be forced back home.

The CHAIRMAN. I am just saying this is the problem. I don't disagree with you. I have heard at home that if you have the 200 miles you will do something to the salmon treaty. The abstention line is way out in the Pacific Ocean, the 175th meridian, and has nothing to do with the 200 miles. These are our coastal fisheries.

Mr. UTZ. Senator, the point I am trying to make in this is that we aren't enforcing the laws and treaties and conventions that we are party to now, so if we aren't doing that now, why is there any reason to believe we are going to enforce a 200-mile perimeter?

This bill has been sold to a lot of people at the dock level as some kind of guardian protective shield.

The CHAIRMAN. The point I am making is it does not affect any present treaty.

Mr. UTZ. It does.

The CHAIRMAN. No, it specifically exempts them. If the wording isn't clear, we will amend it. It does not prohibit anyone from making other treaties.

Mr. UTZ. There is no way to continue the Brazil treaty after the June 30 expiration if we put in wording that we recognize the 200-mile fishing zone.

The CHAIRMAN. What is their argument? They can recognize it. Why should they complain about us?

Mr. UTZ. But our fishermen are down there within 200 miles, and we say that is international waters.

The CHAIRMAN. We've said that about tuna off Ecuador and Peru. We have sent missions down there and cut off their aid and everything else, and they still insist upon it. And I don't know why you can't deal with a person when you both have the same things.

Mr. UTZ. The point is, if we are arguing over whether what is on that table is yours or mine and you say it is your table, then if I recognize that anything beyond this table is your table, then we don't have anything to debate about because it is very clear that I recognize everything over there is yours.

The CHAIRMAN. Well, you've got a funny version of diplomacy. I think you've got to get tough with them.

Mr. UTZ. You do have to get tough with them, but if you pass your law and a Russian comes over here and says, "We don't recognize 200 miles"—

The CHAIRMAN. We talked to the Russians and the only time we got a zone was when we got tough with them in Moscow. They don't understand anything else.

And I still say we have been patsys at the world's conference tables in fisheries of all kinds. And I'll write a book about it if you want me to.

Mr. UTZ. Senator, I say you need to get tough where there is a problem, but not get tough in a way that creates a problem somewhere else.

The CHAIRMAN. You may get promoted. They may ask you to come down to the Department where they have been all these years and accomplished nothing.

Go ahead.

Mr. UTZ. Well, the point that I was trying to make was about doing something to enforce the laws that we already have, and the treaties that are already in existence that would affect fishermen and fisheries, action that would be within the framework of commitments that we have now with other nations. And we think it would strengthen our position if this government showed that they were going to get tough with existing treaties, rather than to pass some unilateral action that is contrary to what we have said in the past.

And S. 1988—

The CHAIRMAN. Well, Congress doesn't enforce treaties. The administrations do, and they haven't done it.

Mr. UTZ. Is there any reason to believe they are going to enforce 200 miles?

The CHAIRMAN. That's the trouble. Nothing has happened. I'm glad I stirred you all up. Maybe something will happen.

Mr. UTZ. Senator, if you had a speed limit around this town that said you couldn't go but 25 miles an hour and everybody was running 80, and you had plenty of policemen but couldn't get them to enforce it, would it do you any good to pass a 10-mile speed limit?

The CHAIRMAN. That's the argument downtown, "Wait and see; wait and see; we're making progress. Let the other fellow go."

And nothing has happened.

Mr. UTZ. I'm not asking that we wait and see.

The CHAIRMAN. All right, go ahead with your statement.

Mr. UTZ. S. 1988 already has divided the U.S. fishing industry. It has exhibited to the world that we have a divisive, squabbling industry. This would be repugnant to any existing agreements, and, as I say, it would wipe out any posture whatever at the Law of the Sea Conference, except as a rubber stamp to those few countries making similar claims.

Further, the worst damage that it would create is that it would force our distant-water shrimp vessels back into the Gulf. Those vessels, approximately 400 to 600 in number, have a capability of catching roughly 25 percent of the catch last year that was caught in the Gulf. They would be in competition with thousands of small shrimp boats within the Gulf. Louisiana alone reports in excess of 14,000 commercial shrimp licenses were issued last year. Thousands of those vessels, while quite efficient and more than competitive with those

foreign fleets presently appearing in the Gulf, would be marginal at best when confronted with competition of such magnitude as these distant-water fleets would present.

The CHAIRMAN. On that point, when you put in the record how much shrimp is caught beyond 200 miles—where do you get that number?

Mr. UTZ. The National Marine Fishery Service statistics reflect that our distant-water shrimp fleets last year accounted for approximately—

The CHAIRMAN. I am trying to get at approximately how many boats are involved beyond 200 miles.

Mr. UTZ. Beyond?

The CHAIRMAN. Of the total catch.

Mr. UTZ. We are talking about the high-seas fishermen that are U.S.-flag vessels, but they operate beyond what we would consider a U.S. boundary or 200-mile boundary. They are in international waters now, outside of the territorial waters of whichever country it is that they are fishing off of.

The CHAIRMAN. You must have the records of the shrimp catch within 200 miles.

Mr. UTZ. Yes, sir.

The CHAIRMAN. And then what I want to know is how many operate beyond 200 miles.

Mr. UTZ. None.

The CHAIRMAN. None? I don't know why you are worried about the coast of Brazil.

Mr. UTZ. I think you missed the point. We have no shrimp fishermen that operate immediately in what we consider or what we would call the U.S. Gulf if we had 200 miles, that are presently operating in international waters off the coast. But we do have, as I stated, 400 to 600 U.S.-flag vessels that are operating in international waters off those foreign coasts that would have to come back into the Gulf coast. They do not presently fish within the Gulf.

The CHAIRMAN. Why do they have to come back? We are not bothering the treaty with Brazil.

Mr. UTZ. They have no other place to go. We are bothering the treaty with Brazil.

The CHAIRMAN. This bill doesn't bother the treaty you have with Brazil. They can fish off the coast. I don't understand this. They can still fish where they want to fish in international waters.

Mr. UTZ. The point, Senator, is that this bill would force Mexico to declare 200 miles—

The CHAIRMAN. Now you are representing the State Department of Mexico. How do you know what they are going to do?

Mr. UTZ. We have listened to them. We have heard them.

The CHAIRMAN. We can make a treaty with them under the bill.

Mr. UTZ. We can make a treaty—

The CHAIRMAN. They have been talking about a treaty for 25 years and haven't made one—25 years that I know of—25, maybe 30.

But what I am trying to get at is: You say they have to exercise an option. They don't at all under this bill. They can fish where they have been fishing shrimp.

Mr. UTZ. After the 30th of June, if this went into effect, they——

The CHAIRMAN. You are assuming that if a bill like this would pass somebody would react and stop them from fishing in Brazil. It doesn't affect the treaty at all.

Mr. UTZ. Senator, we had a give-and-take situation getting into the Brazilian treaty. One is, they claimed 200 miles and we refused to recognize it. That was the only bargaining basis we had when going to the table with the Brazilians. If you remove that, what do we have to say to the Brazilians? What do we negotiate about?

The CHAIRMAN. You have already negotiated, you said. You have a treaty.

Mr. UTZ. It expires the 30th day of June 1974.

The CHAIRMAN. Well, you can renegotiate.

Mr. UTZ. With what? What do we have to negotiate with if you tell me the United States claims 200 miles?

The CHAIRMAN. Well, you can negotiate on your traditional fishing rights. You can still do that.

Mr. UTZ. Then is 200 miles going to keep the Russians out of our waters because they have traditional fishing rights?

The CHAIRMAN. We are not bothering Brazil at all.

Mr. UTZ. But don't we have exactly the same point there?

The CHAIRMAN. No.

Mr. UTZ. How can we force the Russians out if they come in and claim because of traditional fishing rights the 200 miles doesn't apply?

The CHAIRMAN. You are just assuming a lot of things.

Mr. UTZ. We are assuming a 200-mile protective boundary is going to keep all the people out.

The CHAIRMAN. Go ahead.

Mr. UTZ. That brings me to the very point I was trying to make, Senator——

The CHAIRMAN. But I am still trying to point out: How many shrimp fishermen fish off the coast of Brazil? You said none.

Mr. UTZ. No, sir.

The CHAIRMAN. Didn't you say none?

Mr. UTZ. No, sir. We misunderstood your question. We understood it to be how many of these U.S. coastal fishermen go beyond 200 miles of our own territory. And they don't.

The CHAIRMAN. Well, how many American shrimp fishermen fish off the coast of Brazil for shrimp?

Mr. UTZ. We have roughly 200 license applications under the Brazilian treaty.

The CHAIRMAN. How many do as a practical matter?

Mr. UTZ. 200.

The CHAIRMAN. 200?

Mr. UTZ. Yes, sir, 200 boats.

The CHAIRMAN. That's what I wanted. Go ahead.

And we should have the record of how many shrimp fishermen, U.S. shrimp fishermen, fish off other coasts. We don't need Mexico because we have all those figures.

Mr. UTZ. We'll get all the figures.

The CHAIRMAN. Yes, the latest figures.

All right, go ahead.

Mr. UTZ. In conclusion, Senator, we do not feel this legislation will give the protection that is needed.

The CHAIRMAN. All right.

Now, you make a statement that a law is of no value unless it can be enforced. Well, of course it isn't.

Mr. UTZ. That is true.

The CHAIRMAN. Yes. But we will have no trouble enforcing the law. We'll just add a little more to the Coast Guard appropriations and it will be enforced.

Mr. UTZ. According to your legislation, Senator, \$1 million is the total amount that can be appropriated in a fiscal year.

The CHAIRMAN. I just said we'll have no trouble enforcing the law if we get it passed, any more than Ecuador has any trouble in enforcing its 200-mile limit, or Peru. We send a few Coast Guard cutters out there and that takes care of it.

They need a little appropriation. The Senator from Alaska and I happen to handle that appropriation in the Senate, so they'll get it.

Now, does anybody have any questions?

[No response.]

[The following information was subsequently received for the record:]

STEELE & UTZ,  
Washington, D.C., May 22, 1974.

Senator WARREN G. MAGNUSON,  
Chairman, Senate Commerce Committee,  
Old Senate Office Building,  
Washington, D.C.

MY DEAR SENATOR MAGNUSON: During the hearings recently held on S. 1988, you requested information as to the number of shrimp vessels that are fishing off foreign coasts and out of U.S. ports off foreign coasts. Further, you were interested in the amount of shrimp catch in those areas that would be considered international waters and beyond a perimeter 200 miles off our coast.

I am enclosing correspondence from the National Marine Fisheries Service which provides the most accurate figures we have to date. While the catch statistics are reasonably accurate, it is difficult to pinpoint where the boat operators spend their working hours and the amount of catch they bring in from a given area. Part of this difficulty results from the fishermen's reluctance to identify his best shrimping areas. I believe, however, that the statistics in pounds and dollars as set forth by the National Marine Fisheries Service, will be beneficial in reflecting the importance of the distant-water shrimp industry, both in percentage of catch and dollar value upon the individuals and areas of the U.S. involved. As you clearly see, the value of the distant-water shrimp catch is in excess of one-fifth the total shrimp value for the entire U.S.

I hope these statistics will assist you in understanding the deep concern exhibited by the members of the National Shrimp Congress and the American Shrimphoat Association over the possibility of enacting an extended fishing zone. We are at present actively working with other segments of the American



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fishing industry in an effort to find a workable solution to the problems they face, a solution that will not seriously damage other segments of the American fishing industry.

We appreciate your long and continuing interest in the American fishing industry as a whole, and if we can be of further assistance to you, please feel free to call upon us.

With best wishes, I am,

Sincerely,

WILLIAM NELSON UTZ,  
Executive Director,  
National Shrimp Congress.

Enclosure.

U.S. DEPARTMENT OF COMMERCE,  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,  
NATIONAL MARINE FISHERIES SERVICE,  
Washington, D.C., May 17, 1974.

Mr. WILLIAM UTZ,  
Steele & Utz,  
Washington, D.C.

DEAR BILL: You asked that I provide you data on the number of U.S. tuna and shrimp vessels that fish off foreign coasts and the U.S. shrimp catch off foreign coasts.

There are approximately 136 such tuna vessels. With regard to shrimp vessels there are about 200 that fish out of and land their catches at foreign ports in the Caribbean area. There are about 900 shrimp vessels, working out of the United States that average about 13 percent of the year fishing off foreign coasts, primarily Mexico. Very few of these boats spend a majority of their time off foreign coasts.

Gulf and Caribbean shrimp catches off the U.S. and foreign coasts by U.S. shrimp vessels in 1973 were:

	Thousand pounds	Thousand pounds
Off United States and landed at U.S. ports:		
0-12 miles from shore .....	93,969	\$71,868
Beyond 12 miles .....	71,405	82,277
Total off United States .....	165,374	154,145
Off foreign coasts and landed at U.S. ports .....	16,695	18,816
Off foreign coasts and landed at foreign ports .....	20,731	21,887
Total off foreign coasts .....	37,426	40,703
Total catch .....	202,800	194,848

It is my understanding that the majority of shrimp catches landed at foreign ports by U.S. vessels enter the United States as imports.

If I can provide further assistance, please do not hesitate to call.

Sincerely,

B. G. THOMPSON,  
Acting Chief,  
Statistics and Market News Division.

The CHAIRMAN. Do you want to hear from these other two, Ted? These are the shrimp people.

Senator STEVENS. Whatever you say.

The CHAIRMAN. Mr. Mauermann, do you want to add anything to this? We will put your statement in the record in full.

Mr. MAUERMAN. Yes.

The CHAIRMAN. Why don't you go ahead and give it to us.

**STATEMENT OF ROBERT G. MAUERMANN, EXECUTIVE  
DIRECTOR, TEXAS SHRIMP ASSOCIATION**

Mr. MAUERMANN. Mr. Chairman, my name is Robert G. Mauermann and I am the executive director of the Texas Shrimp Association and the Shrimp Association of the Americas. The Texas Shrimp Association is the oldest trade association representing the gulf shrimp industry and speaks for a fishery with landings in 1973 of 51.4 million pounds of shrimp with a dockside value of \$87.5 million.

The city of Brownsville, Tex. is a city where everyone in the community is directly or indirectly affected in an economic way by the shrimp industry. It is that community's No. 1 industry. That is also true of Port Isabel, Port Mansfield, and Aransas Pass, that it is their most important industry. Rockport, Freeport, and Galveston are also major shrimp ports where much of the population is directly dependent on this industry.

The Texas gulf shrimp industry is divided into two major groups, the distant-water fishery and the fishery off the Texas coast. The distant-water shrimp fishery fishes not only off the Texas coast but off the coasts of other countries bordering on the Gulf of Mexico in international waters. At certain times of the year, 30 percent of the 1,900 Texas-based boats fish in international waters off the coast of Mexico. In fact, the shrimp fishery off the coast of Mexico was developed by American fishermen based on the concept that this resource was available in international waters to any fisherman with the courage and capability of harvesting this valuable marine resource.

S. 1988, the Interim Fisheries Zone Extension and Management Act of 1973, would, on an interim basis, extend the U.S. contiguous fisheries zone from its present width of 9 miles beyond our 3-mile territorial sea to a width of 197 miles beyond the territorial sea. The bill also provides for the extension of U.S. jurisdiction over anadromous fish of U.S. origin to the full limit of their migratory range in the oceans, except within the territorial waters or fisheries zone of another country.

For the past 3 years, the United States has actively participated in preparatory negotiations for the U.N. Law of the Sea Conference and has established our fisheries position in that forum. The U.S. position is based on a species management concept which in effect gives the coastal States much greater control over coastal stocks and provides for host State management jurisdiction and preferential harvest rights over anadromous species.

The U.S. position further provides for the management of highly migratory species by international conventions. This position was developed over a period of several years as a result of frequent conferences between representatives of the U.S. State Department and representatives of the various segments of the fishing industry.

The unilateral extension by the United States of its fishery jurisdiction, even on an interim basis, is contrary to established international law. Not only is it the view of the United States, but also other major maritime powers, that under existing international law no State has the right unilaterally to extend its fishery jurisdiction more than 12 miles from its coast.

Although certain coastal States have unilaterally extended their fishery jurisdiction beyond the recognized 12 miles we do not recognize such claims nor do most of the world's other maritime powers. It would appear, therefore, that such unilateral action by the United States would greatly reduce the opportunity of establishing a new regime for international fisheries through international agreement. We are further of the opinion that the unilateral extension by the United States of its fishery jurisdiction as provided for in S. 1988 would be enforceable only if acceptable to other maritime powers, including those now fishing between 12 and 200 miles off the coast of the United States. These nations whose vessels now fish in this area are not likely to recognize this claim to an exclusive 200-mile fishery zone anymore than the United States recognizes similar claims made unilaterally by other coastal States. It is highly unlikely that these foreign-flag vessels would quietly haul in their fishing gear and return to their own waters simply because we object to their competing with American fishermen in waters recognized by the world community as international waters.

In summary, Mr. Chairman and members of the committee, we are in complete sympathy with the objectives of S. 1988, however, we do not feel that this legislation at this time can possibly accomplish these objectives for the reasons I have outlined. It is our further belief that enactment of this legislation would immediately precipitate similar action by the Republic of Mexico thereby denying the gulf shrimp industry a major portion of their traditional shrimping waters.

The CHAIRMAN. Now, there is a good example of what we are talking about here. We had to fight like the devil to get 12 miles for fisheries. Now, we used 12 miles as a figure.

Mr. MAUERMANN. Yes, sir.

The CHAIRMAN. And kept the 3 miles for navigation and maritime purposes, territorial waters.

Mr. MAUERMANN. Right.

The CHAIRMAN. Twelve miles then looked like it might do something. We wanted 20, 25.

Mr. MAUERMANN. Well, it was generally accepted by—

The CHAIRMAN. It's sort of a relative matter whether it's 10, 12, 15, or 25. We found that 12 miles is not enough for us on the Pacific Coast and the Atlantic Coast.

Now, I don't say there is any magic in the 200-mile figure. That was chosen because others had established it. The best way to do this would be to adopt a line according to the slope of the ocean. In some places it might be 50 and some places it may be 20—not a straight line.

But we did move it from 3 to 12.

Mr. MAUERMANN. That is correct.

The CHAIRMAN. Nobody complained. We talked only about coastal zones and coastal zone management now has taken effect. I don't know—take the continental shelves. They vary so much. In Alaska the Continental Shelf of the Bering Sea goes almost to Russia, doesn't it?

Senator STEVENS. It does.

The CHAIRMAN. This is the problem we have. Maybe if we got 50 miles in some cases we would have been all right. But we are not. And our problem is that our stocks are just going down, down, down.

Mr. MAUERMANN. All of us recognize that, Senator.

The CHAIRMAN. This is the worst salmon year we have had in something like 40 years. And they are way out at sea. And we have that treaty with Japan, sure. They can get out of it if they want to now, after 10 years. And they don't practice much conservation; they never did.

As a matter of fact, the proof of that pudding is that 70 to 100 years ago the greatest fishing grounds in the world were around the Japanese Islands. They are gone—nothing. That is why they are out penetrating everywhere else. And this is one of the broad questions that we have to think about.

I suppose conservation in the shrimp field is a serious problem, too.

Mr. MAUERMANN. Of course it is.

The CHAIRMAN. And you are right. For 3 years we have been working on a preparatory statement—3 years. And as long as we delay, these countries think that's fine; they go on fishing. The foreign fishing fleet catch off New England has gone up nine times in 10 years, and ours has gone down.

Off those French islands, there is no commercial tuna left in the Atlantic. Do you know why? We never conserved our tuna. And the Pacific is going the same way.

If we had a lot of international fish agreements, that would be the fine way to do it. They can be enforced. You read about the exception once in a while, the exception to the rule, the deliberate exception, drifting over the line or something. But they can be enforced.

So we are not going to have any fish any place if this situation is allowed to continue.

Senator STEVENS. Mr. Chairman, may I ask a question?

The CHAIRMAN. Yes.

Senator STEVENS. You have bilateral arrangements that protect the shrimp industry today?

Mr. MAUERMANN. Only with Brazil, Senator Stevens.

The CHAIRMAN. And they claim Mexico is talking about it.

Mr. MAUERMANN. We had a reciprocal arrangement with Mexico where we were permitted to fish between 3 and 12 miles, and Mexico in turn fished off our coast between 3 and 12 miles. That treaty expired last year.

Senator STEVENS. I recognize your position and ask you a question: What do you think we could do to protect the fisheries areas that are in disagreement with you and the tuna people?

We have, for instance, a billion pounds of Alaska pollock taken out of the Bering Sea in 1 year. We have more Pribilof fur seals floating ashore dead as they come in to reproduce than we used to harvest. They have died of malnutrition.

We now have two halibut boats left in the total Canadian and U.S. fleet fishing for halibut in the Bering Sea—and there used to be hundreds.

Now, you have protection, I think. You people, I think, if you are going to object to this legislation ought to tell us how you think we could protect these people who don't have protection.

Mr. MAUERMANN. Well, Senator, at this point I think we are very close to the meeting in Caracas. I would not like to see our Government or the Senate take any action of this nature until after the Caracas meeting. Let's see whether or not something can't be developed there that would afford the protection that all the fisheries need in this country.

And let me assure you that the shrimp industry is completely sympathetic with the objectives of the legislation that you propose. We simply do not believe that unless it is accepted by the other world powers it is enforceable and will accomplish those objectives.

Senator STEVENS. Well, we can enforce it. Again, I think if that is your assumption, we want to disabuse you of it. Because those foreign fishing fleets want to come in that 200-mile limit——

Mr. MAUERMANN. Yes, they do.

Senator STEVENS. And as long as they do, we are going to have some leverage over them for a change.

Mr. MAUERMANN. How are you going to keep them out, Senator, unless the world community recognizes that as our waters or fishing zone?

Senator STEVENS. I go back to the time when we had guts and seized their vessels and burned them. It went to the high court, if you remember. It is just whether the United States has guts enough to enforce its laws, and we believe we do. We are beefing up the Coast Guard up my way, and intend to enforce it.

Mr. MAUERMANN. I am not sure I share your optimism. Why didn't we enforce our position off the coast of South America? Those were international waters. We called them pirates and that sort of thing. but in the end passed an act that paid them for the seizure of tuna boats in what the world community recognized as international waters.

The CHAIRMAN. They enforce it pretty well.

Mr. MAUERMANN. They do, but we didn't enforce our claim.

The CHAIRMAN. They don't like to get caught down there. They go in sometimes thinking they'll get away with it, and no one has been more active than myself in helping them. The Senator from Alaska and I are authoring a bill to repay them for the fines.

Mr. MAUERMANN. Yes.

The CHAIRMAN. We have to do something, and I want to disabuse the mind of anybody in this room; the bill does not affect any present treaties. And if it does, we'll put the language in to make it loud and clear that it doesn't.

Second, it does not affect anyone making treaties within the 200-mile zone, like you did with Brazil. That could be done with anybody. We can do it with any country.

Mr. MAUERMANN. Well, we are, of course, in the Gulf of Mexico, concerned——

The CHAIRMAN. And if it isn't there, we'll make that clear. The bill is a working paper anyway.

And then, secondly, there is no use of any of us belaboring the argument. The State Department contends they are better off without this. Some of us contend that that would be a good club for them to have. And there are many of them down there that feel that way. They have come up here on occasion and asked me to introduce bills to strengthen their hand.

And then the last problem is that there is no question that we have waited and waited and waited until fisheries have disappeared or are gone. The halibut stocks will be years recovering.

If that happened to you shrimp people, you'd be up here doing some screaming, wouldn't you?

Mr. MAUERMANN. We are afraid it's likely to happen to us, and that is why we are here screaming now.

The CHAIRMAN. It's a different viewpoint.

Mr. MAUERMANN. It's a different viewpoint, that is true. But I do represent the shrimp industry and it is my responsibility to make our viewpoint known to you, and we are very concerned that if this legislation is passed, Mexico will immediately do the same thing, and therefore deny a major segment of our industry their traditional fishing waters off the coast of Mexico.

The CHAIRMAN. That may be the very thing that will bring you together, drastic action on both sides.

Senator STEVENS. Would you pursue that a little bit. Suppose they did set up a 200-mile limit as we are. We are not saying we are going to exclude foreign fishing completely. We are saying we are going to regulate conservation within a 200-mile zone. If they start regulating conservation practices within a 200-mile zone, you would be protected as well as anybody else as far as the shrimp off Mexico is concerned, wouldn't you?

If the action is taken to perpetuate the species that your people fish for--this is all we are asking. We have two species which have disappeared from the North Pacific and Bering Sea off Alaska the last 5 years--just fished out. There were more halibut caught by the foreign pollock fishing fleet than our people caught intentionally. And we have supposedly got bilateral treaties to protect the halibut.

Mr. MAUERMANN. Why don't we make those treaties work, Senator? Why don't we enforce them?

Senator STEVENS. We are enforcing them. But we have no treaties on pollock.

How is it going to hurt you in terms of the shrimp fishing industry if there are sound management principles applied to the shrimp fishing zones of Mexico?

Mr. MAUERMANN. If there were sound principles applied and we were authorized to continue our traditional fishery, we wouldn't be hurt, but I do not believe this to be the case.

Again I am making some assumptions there, but based on what the Mexicans have told me. Shrimp, within Mexican fishing law, is reserved in Mexican fishing waters for Mexicans, and there are no permits issued for shrimp fishing to any foreign nationals at all. Now, if they extend that fishing zone, we are assuming that the

present fisheries law claiming total control over shrimp would be in effect.

The CHAIRMAN. Well, all of this is assumption.

Mr. MAUERMANN. These are not all assumptions. Those are Mexican statutes.

The CHAIRMAN. These are assumptions, and we direct in the bill, that the Secretary of State initiate negotiations with foreign governments—

Mr. MAUERMANN. I know this.

The CHAIRMAN [continuing]. Within the 200 miles. We have 2 pages of that.

Mr. MAUERMANN. Yes, sir.

The CHAIRMAN. And we specifically say—quoting from section 11:

Nothing contained in this act shall be construed to abrogate any treaty or convention to which the United States is a party on the date of the bill.

And 2 pages of the bill is to direct them to make negotiations for conservation within a 200-mile or 100-mile limit, or whatever it may be.

Mr. MAUERMANN. Well, quite frankly, I think our position of negotiating with Mexico on an arrangement to continue our fishing off their coast would be—

The CHAIRMAN. We just have a different view on it.

Mr. MAUERMANN. We have a different view.

The CHAIRMAN. We get no action down at the State Department. They tell you to wait and wait and wait. We've been 3 years in pre-conferences and we just can't go on this way.

Mr. MAUERMANN. Well, the time is very short, Senator, between now and the Caracas meeting. Surely we can wait that long.

Senator STEVENS. But the time between now and the adoption of an international agreement is quite a long way. I think you would agree with that.

Mr. MAUERMANN. Yes.

Senator STEVENS. Let me ask you one last question: What if Mexico put into effect the species approach that is sought by the United States in the Law of the Sea Conference? What if they did it unilaterally today? You say you support the species approach.

Mr. MAUERMANN. Yes, sir.

Senator STEVENS. It would do more for you than the 200 miles.

Mr. MAUERMANN. No.

Senator STEVENS. It gives them the priority for national interest first, doesn't it?

Mr. MAUERMANN. Yes.

Senator STEVENS. That is what you object to here. So in the Law of the Sea conference, the same thing would happen to the shrimp people as under the 200-mile limit.

Mr. MAUERMANN. There is no question shrimp are going to get hurt any way you look at it.

Senator STEVENS. Shrimp aren't going to get hurt. They may stay on the face of the Earth if we get something done in the next year or so.

Mr. MAUERMANN. Well, I don't think that you can say under the present fishing system that we are depleting the source of shrimp.

The CHAIRMAN. Your general position is: Just leave everything alone as it is. Is that right?

Mr. MAUERMANN. Yes.

The CHAIRMAN. And you speak for the shrimp people?

Mr. MAUERMANN. Yes.

The CHAIRMAN. What if we exempted shrimp? Would you support the bill then?

Mr. MAUERMANN. I would have to go back and discuss this with some of my industry leaders.

The CHAIRMAN. You'd have to go back to the drawing board?

Mr. MAUERMANN. I guess I would.

The CHAIRMAN. We have the same situation with King crab. Our Dungeness crab is going down. If this was happening to you people, I'm telling you you'd be up here waiting to get in that door.

And I know that you feel some responsibility for overall conservation of marine life.

Mr. MAUERMANN. Of course we do.

The CHAIRMAN. Because that affects you indirectly.

Mr. MAUERMANN. I know.

The CHAIRMAN. All right, we must proceed to the next witness.

Mr. MAUERMANN. Thank you.

The CHAIRMAN. Who is next? Jack Sahlman?

Mr. SAHLMAN. Yes, sir.

The CHAIRMAN. I would be glad to hear from you.

**STATEMENT OF C. W. SAHLMAN, ON BEHALF OF SAHLMAN SEAFOODS, THE AMERICAN SHRIMPBOAT ASSOCIATION, AND THE SOUTHEASTERN FISHERIES ASSOCIATION**

Mr. SAHLMAN. Mr. Chairman and members of the Senate Commerce Committee, my name is C. W. Sahlman. I am speaking here today on behalf of three separate entities: Sahlman Seafoods, the American Shrimpboat Association, and the Southeastern Fisheries Association.

Sahlman Seafoods, Inc. is my own business out of Tampa, Fla. We personally operate a fleet of shrimp trawlers which fish in international waters off the South American coast, primarily Guyana, Surinam, and Brazil.

The American Shrimpboat Association is a trade association which has as its membership those American fishing operators who are presently engaged in shrimp fishing off the boundaries of other nations.

Third, I speak as president of the Southeastern Fisheries Association. This association represents fishermen of all species from the States of Alabama, Florida, Georgia, North Carolina, and South Carolina.

The position I am taking today and the statements I make are consistent with the thinking of my company, the membership of the American Shrimpboat Association, and the membership of the Southeastern Fisheries Association.



Your bill, S. 1988, ostensibly would take unilateral interim action pending the Law of the Sea Conference to establish a contiguous fishing zone beyond our national jurisdiction. That contiguous zone would provide an additional 197 miles, or a total 200-mile fishing boundary around the shoreline of the United States.

Gentlemen, I and all whom I represent here today oppose this legislation. It is argued by many in the New England area of the United States and in some quarters of the Northwest Pacific that such legislation would be a godsend; it would be the cure-all for their fishing industry ills. I totally disagree with that belief and the comments that they have expressed to support that false hope. It would not be a cure-all for their particular problems. It would, however, be a devastating blow to a large part of the American fishing industry, in particular, America's highest value producer, the shrimp industry.

Mr. Chairman, one of the reasons why we have not had this problem in the Gulf of Mexico is that the shrimp industry is one which is probably similar in many ways in efficiency to the tuna industry. We are one of the most efficient fisheries in the United States.

There have been exploratory vessels in the Gulf from Poland, Japan, Russia, Cuba, and other nations. They have not put any significant number of vessels in the Gulf because our fleets are more efficient than their fleets.

And I say that one of the problems in New England in particular—I just came back from that area last week—is that it looks like a fishing museum if you look at those boats up there. I question whether if no one were off the coast of New England these boats could make any money, whether they could catch the fish.

We are at present engaged in fishing off South America. There have in the past been serious conflicts between some South American countries and ourselves concerning our right to fish in what we consider international waters. We are fishing in those waters for shrimp that in fact are not being caught by the coastal nation closest to these shrimp grounds. Those nations neither have the capacity nor the inclination to advance to the capacity to catch the existing shrimp crops that are produced there annually.

At the moment we have an ongoing treaty with Brazil. This treaty was worked out approximately 2 years ago after long and difficult negotiations. It is a very workable treaty; it has worked for the past 2 years on a purely voluntary basis inasmuch as the enabling legislation was not completed by the Congress and signed by the President until the very end of 1973. That treaty's provisions have now been extended through June 30, 1974, and in the very near future we hope to engage in negotiations with the Brazilians to extend this treaty on a long-range basis.

For a moment, gentlemen, let's examine the people and the industry I represent. Who are they? And how would they be affected by this legislation?

The American Shrimpbait Association is comprised of the distant-water shrimp fleet. According to the National Marine Fisheries Service statistics for 1973, the total dollar value of the U.S. distant-water shrimp catches at ex-vessel prices was \$40,703,000 or, in round fig-

ures, \$41 million. The total shrimp value in the U.S. in 1973 was \$241,307,000.

As you see, our distant-water shrimp catch approximates one-sixth of the total U.S. shrimp landings. Of those total U.S. shrimp landings, over one-half was caught in the gulf. Or, viewed in another way, we catch in distant waters shrimp valued at over one-fourth the dollar value of all shrimp that is caught in the entire gulf.

Additionally, I am here today to represent the Southeastern Fisheries Association which encompasses those fishermen fishing within the gulf. Where are we if S. 1988 becomes law in the United States? Most assuredly, Mexico's first reaction would be to claim a 200-mile fishing zone.

I will not go into that and discuss it.

I do want to touch again on the problem if we do lose these areas off the coast of other countries, that all of these vessels would have no alternative but to return to the gulf. And there is already fishing pressure in the gulf—not foreign, domestic. The shrimp industry is very efficient at harvesting the crop, and we don't think there is additional capacity to take care of anywhere from 300 to 400 boats.

Senator STEVENS. We would welcome you in Alaska, as we did the New Bedford scallop fleet. You could take some of the crab the Japanese got, for an increase from 28 million pounds in 1954 to 5 billion pounds in 1971—we don't have the figures for '72 and '73 yet.

But we would be happy to have you, because we think you would live up to good conservation practices. You'll find the New Bedford fleet is very happy in Alaska. Your fleet would be very happy, too.

Mr. SAHLMAN. I wish we had that alternative. I'm afraid these shrimp vessels would be hopelessly lost.

Senator STEVENS. Our shrimpers seem to get along well in the scallop areas, and fish in the halibut and salmon and king crab season. I think there is more up there on a sustained basis over the long haul than you believe.

We recognize the value of your fishery. But what would you do if you were fishing up there off our shores?

The CHAIRMAN. They don't care about that.

Mr. SAHLMAN. We do care about that. But we don't believe—and I admit this is based on assumption—we don't believe this will solve those problems.

My trip to Boston and the surrounding areas last week was like going into a fishery museum. They don't have the equipment. They haven't had it for years up there to go out and harvest that crop.

Senator STEVENS. Why?

Mr. SAHLMAN. I don't know why.

Senator STEVENS. Would you expand your equipment when you are running an 80-foot boat against a 200-foot trawler?

When you see some of the equipment they are competing with—the Japanese come in with monofilament nets and all kinds of equipment we won't let our fishermen use. You would not improve your boat if you were running a boat up there under those circumstances. You'd do what the halibut fleet in Seattle has done. You'd stay home. There are two out this year.

And I have the figures here. They had 104 vessels in the last good year, which was 1963, and caught 11 million pounds of halibut. There are two up there this year. That is just the Bering Sea alone.

And the Japanese, as I said, incidental to the catch of their 4 billion pounds of fish, caught 11 million pounds of halibut. They caught last year what we did at the peak of our effort—the Canadian and United States effort in the Bering Sea. Our catch of 1963 was 11 million pounds of halibut.

Mr. SAHLMAN. Senator, I will say again that we recognize there is a serious problem. I am not as familiar with the northwest because I haven't been over there. We do think something has to be done.

But what we are telling you is that this would have a devastating effect on the shrimp industry, which is a successful industry, and there has to be a better way of doing it.

And one more thing. The New England fishery—the equipment out there was obsolete years before the foreign fishing fleets came along.

The CHAIRMAN. I don't see how it could have a devastating effect at all. You would be the same as you were. You agree that the bill doesn't affect present treaties, don't you?

Mr. SAHLMAN. Well, the present treaty off Brazil in particular—

The CHAIRMAN. Do you agree with that or not?

Mr. SAHLMAN. No, sir, I don't agree.

The CHAIRMAN. It says, "Nothing in this bill shall be construed to abrogate any treaty or convention."

Mr. SAHLMAN. But what would we have to negotiate?

The CHAIRMAN. Does it say that? Can you read that? Have you read the bill?

Mr. SAHLMAN. But we know this is so.

The CHAIRMAN. And then for two pages we direct the Secretary of State to go on and negotiate. And we think the 200-mile limit wouldn't affect those negotiations at all. I don't see why it should.

Mr. SAHLMAN. Why can't the Secretary of State go to the Japanese and get tough with them and say, "This is what you are going to do"?

The CHAIRMAN. I say I don't think it would affect it at all. I think it would be helpful. When you play the game for 16 years and don't score a run, it's about time you had some new tactics, don't you think so?

Mr. SAHLMAN. But I think they can get tough on a unilateral basis with these nations.

The CHAIRMAN. Get a new quarterback or something.

Mr. SAHLMAN. We must have some leverage with Japan.

The CHAIRMAN. I think you are unreasonable to suggest that this bill would affect any existing treaty. I don't know who's frightened you, but I don't think it would affect the negotiations because we support this strongly in this bill. We encourage it; we back it up. We direct them to make negotiations within any limit that might be prescribed. That has never been in law before. That has only been done by the treaties.

Now, that presents two different points of view.

Mr. UTZ. Senator, who is going to tell the Mexicans and the Brazilians to negotiate?

The CHAIRMAN. Well, I'm not a Brazilian or Mexican.

Mr. UTZ. That is very true, Senator, and that's the whole point.

The CHAIRMAN. I'm an American and I am trying to take care of American fisheries.

Mr. UTZ. But somebody is assuming they will come to the table and talk to us, and we won't have anything to talk about once you pass this kind of legislation.

The CHAIRMAN. All right.

Mr. SAHLMAN. Senator, I would like to read the portion of—

The CHAIRMAN. We have to go on here. We have a long list of witnesses.

Mr. SAHLMAN. All right, sir.

The CHAIRMAN. I don't think this would happen to you. I would be the first to protect the industry. I think you're seeing ghosts.

Mr. SAHLMAN. Well, there are an awful lot of people in the industry that see them.

The CHAIRMAN. Well, I understand that.

Mr. SAHLMAN. One industry I want to touch on which has not been mentioned is the spiny lobster industry based in Florida. This is not the lobster with the claws, as you know. It is peculiar to warm waters.

This industry had a value in 1973 of approximately \$12 million, almost one-third of the New England fishing lobster industry.

The CHAIRMAN. They are the ones without claws, aren't they?

Mr. UTZ. Yes.

Mr. SAHLMAN. The spiny lobster industry, while based primarily in Florida, takes almost half, a critical portion, of its catch in distant waters beyond the 12-mile territorial limit, off Caribbean nations, which are not at all pleased by this competitive fishing—Caribbean nations which, fortunately, are either unaware of or have not to date decided to follow the U.S. unilateral act and likewise declare spiny lobster a creature of the Continental Shelf.

I am referring to an amendment which went in on the Brazilian treaty bill which declared the northern lobster a creature of the Shelf.

The CHAIRMAN. That's right.

Thank you all very much. We must proceed and if you want to add anything, the record will be open a little while.

We want to get those figures. I still am not clear.

Mr. UTZ. Yes, sir. I will get those to you.

The CHAIRMAN. Thank you.

[The balance of the statement follows:]

STATEMENT OF C. W. SAHLMAN, SAHLMAN SEAFOODS, AMERICAN SHRIMPBOATS ASSOCIATION, AND SOUTHEASTERN FISHERIES ASSOCIATION

The preamble to that Treaty spells out that Brazil recognizes in its constitution a territorial sea extending 200 miles off its coastline. Anything and everything within 200 miles off Brazil's coastline is its property. The U.S. stated in those negotiations, and has spelled out in the Treaty, that this coun-

try does not recognize 200 miles. Both countries, however, agreed there was a need for a conservation regime in order that the shrimp in that area of the high seas be conserved and not over-exploited. We agreed to establishing a conservation zone and limiting the fishing season and the amount of catch effort, by number of boats, that would be exercised in the area. That Treaty is an interim agreement pending the outcome of the Law of the Sea.

Should the U.S. Senate determine to enact legislation that would provide for a 200 mile fishing zone off the coast of the U.S., it will be virtually impossible for us to negotiate an extension of that agreement within the realm of reason for the U.S. fishermen, or to negotiate any multi-national agreements at the Law of the Sea conference that would protect the high seas shrimp fishermen. Why do I say this? Because the U.S. industry and government negotiators going to Brazil or the Law of the Sea conference will be usurped by the Senate. Regardless of how you phrase your legislation, you will have convinced those other countries that the U.S. will approve of any other country claiming 200 miles.

For a moment, gentlemen, let's examine the people and the industry I represent. Who are they? And how would they be affected by this legislation? The American Shrimboat Association is comprised of the distant water shrimp fleet. According to the National Marine Fisheries Service statistics for 1973, the dollar value of the U.S. distant water shrimp catches at ex-vessel prices was \$40,703,000 or, in round figures, \$41 million. The total shrimp value in the U.S. in 1973 was \$241,307,000. As you see, our distant-water shrimp catch approximates one-sixth of the total U.S. shrimp landings. Of those total U.S. shrimp landings, over one half was caught in the Gulf. Or, viewed in another way, we catch in distant waters shrimp valued at over one-fourth the dollar value of all shrimp that is caught in the entire Gulf.

Additionally I am here today to represent the Southeastern Fisheries Association which encompasses those fishermen fishing within the Gulf. Where are we if S.1988 becomes law in the U.S.? Most assuredly, Mexico's first reaction would be to claim a 200-mile fishing zone just like her northern neighbor. That would, for all practical purposes, completely close the Gulf of Mexico. Brazil already claims 200 miles thus, in the absence of any agreement, we are totally removed from our fishing grounds. A \$41 million a year industry at the vessel level is wiped out.

In that event, we have only two alternatives. One alternative is to face those nations such as Brazil, and Mexico, across the bargaining table and to work out some agreement under which we would be allowed to come in and fish for—and might I say with every heavy emphasis—their shrimp—they would in effect, be sitting as sellers of a commodity, and we in effect would be buyers of an opportunity to collect their commodity. The chances of our negotiating any agreement that would not totally deplete the profit margin that presently justifies our being in the distant waters, is very unlikely. The probabilities are that we will be looking toward the second alternative.

The second alternative would be to return to the Gulf. Gentlemen, it does not take much imagination to recognize that should the boats and crews that capture \$41 million of shrimp, approximately 26% of the value of the entire shrimp catch within the Gulf, is those crews and boats return to the Gulf in competition with the fishermen presently there, we would soon have a Gulf that would be drastically overfished, as much or more so than those in New England claim exists in their waters today.

Fishing areas do not develop overnight. They are discovered and cultivated over long periods of time. Likewise they cannot be changed overnight, without having drastic and disastrous impact upon the economies of the areas which depend upon that fishing industry. 200 mile legislation by the U.S. would have a direct and disastrous impact upon the economies of the States of Florida and Texas, and indirect impacts throughout all the Gulf States.

Gentlemen, I did not come here today just to present a negative attitude about your legislation. I applaud the interest exhibited by this Committee and its members. I am pleased there is a group of Congressmen and Senators who are interested in improving the fishing industry. I was very pleased to see the so-called Eastland Resolution so well received by the Senate and the House of Representatives. That Resolution, as you know, calls for immediate attention and the strongest possible support to upgrade and improve the fishing industry

of the U.S. As a follow-up to that legislation, it is my understanding that the Pacific, Atlantic, and Gulf States Marine Fisheries Commissions are presently submitting budgets to Senator Eastland. Those budgets will be utilized as the basis for a total appropriation of \$400,000 to conduct hearings throughout the entire U.S. coastal regions. These hearings will provide the fishermen themselves, the people directly involved in the industry, an opportunity to express exactly what they feel is necessary to improve and upgrade their industry, and to protect, conserve and fully utilize all the living resources of the sea. I applaud that effort. I think it is a step in the right direction.

I have fully supported many, many efforts throughout the past years to support the total fishing industry. I have worked long and hard with my fellow members of the fishing industry in an effort to find those things which we all agree are universal problems facing the industry; problems which we could work in unison to support.

One particular issue was our representation and posture at the Law of the Sea conference. This conference will officially begin in June of this year, in Caracas, Venezuela. The industry representation there and the position advanced there for the industry did not come easy. There have been many years and many meetings, a lot of time and great efforts on the part of the fishery associations and individual fishermen getting us to this point. Some years ago, representatives of every segment of the entire fishing industry met. After difficult and arguous sessions, and unbelievable compromises by many segments of the industry, the approach and posture presently exhibited was agreed to and advanced as the official U.S. position on fisheries, commonly referred to as the "Species Approach." The Species Approach was hammered out and was agreed to by each and every individual segment of the American fishing industry. It was agreed they would support that position and would refrain from advancing or advocating unilateral action pending the outcome of the Law of the Sea conference. I, and those I represent, agreed to support the Species Approach. I might add, that we have steadfastly done so, consistent with our agreement with the remainder of the industry.

I would like to point out, however, that the Species Approach in its present form is not the very best approach for the distant water shrimp industry. It does, however, give us protection. It gives us adequate protection for what could be a limited period of time, provided it would be passed in its present form, and if it were enforced in the strictest sense. I speak here in reference to the full utilization concept that is part of the Species Approach. That concept provides in essence that the coastal State would have management responsibility over the coastal species and would have to make any species of the living resources off the coast available to international fishing wherever the coastal State did not fully utilize the species. By virtue of that language, we would be permitted to continue fishing in those areas where we are presently fishing, provided, however, that the coastal State did not upgrade and expand its fishing capacity for shrimp. Wherever the coastal State did begin to expand its catch capability, we would have to diminish our catch accordingly and eventually could be completely removed from those fishing grounds where we presently operate. This, as you might recognize, was an industry compromise which gave full protection to the New England and Pacific coast fisheries under a Law of the Sea agreement containing such provisions, but provided us with a slow removal from our operating grounds.

We are not insensitive to the present situation which the Pacific Northwest and New England faces. However, we do feel any legislation should be reasoned and it should be helpful in every respect, or at least in the vast majority of the industrial interests. The 200 mile legislation does not provide this type of protection for either the New England fisherman or the Pacific Northwest fisherman. In my judgment, it is both unenforceable as to attitude and capability. Yet it jeopardizes a major segment of the American fishing industry, the distant water shrimp industry.

This Congress has just recently passed a similar well-intentioned piece of legislation that, in my judgment, will provide no assistance to those people for whom it was directed. I speak specifically of the legislation to make the northern lobster a creature of the shelf. That legislation was directed to the New England lobster industry. It sought to assist the lobster industry, which according to National Marine Fisheries Service statistics produced in 1973

approximately \$42 million for its fishermen. The lobster was declared a creature of the shelf by unilateral legislative action on the part of the U.S., although the 1958 Continental Shelf Convention had specifically omitted the lobster. Furthermore, that Convention only by a tie-vote refrained from naming the shrimp a creature of the shelf.

To date, I dare say not one lobster has been saved by that legislative effort for the New England lobstermen. I would venture to say that very little, if anything, will be done to enforce that legislative Act. But what has it done to other segments of the fishing industry?

In the Southeastern U.S., is based a spiny lobster industry. Again, according to National Marine Fisheries Service statistics, in 1973, that industry brought into the U.S. approximately \$12 million, almost one third of the New England fishing lobster industry. The spiny lobster industry, while based primarily in Florida, takes almost half, a critical portion, of its catch in distant waters beyond the 12 mile territorial limit, off Caribbean nations. Caribbean nations which are not at all pleased by this competitive fishing. Caribbean nations which fortunately are either unaware or have not to date decided to follow the U.S. unilateral act and likewise declare spiny lobster a creature of their continental shelf. They could so easily do it and drive into bankruptcy the vast majority of those fishermen presently involved in the Southeastern U.S. spiny lobster industry. Further, if the U.S., by legislative fiat can declare the lobster a creature of the continental shelf, although contrary to discussions and agreements of that Convention, who is to say to Mexico or Brazil that they cannot declare the shrimp a creature of the shelf by unilateral legislative enactment, especially in view of the extremely close vote that took place at that Convention?

Gentlemen, as you can see, in a well-intentioned effort to protect a very small segment of the New England fishing industry, an effort that probably will come to naught; last year this Congress endangered \$11,500,000 a year spiny lobster industry and a \$41 million a year distant water shrimp industry. Somehow, to me, the risk of such inequities do not seem to be justified.

As I stated, I have worked hard to aid and improve the shrimp industry and the American fishing industry as a whole. I want to help now. We can help if we look for approaches that pull together and strengthen the industry, and not divide it. Let's pull together and demand enforcement of existing laws and international agreements. We have in existence today treaties with foreign nations designed to protect the New England fisheries and the Pacific fisheries. If these treaties are ineffective then let's unite together, the fishing industry and the Congress, and seek to improve those agreements, seek to beef them up, seek to put realistic enforcement provisions within them. Then let's demand enforcement of these agreements. Let's show to the world, by the enforcement of those agreements already in existence, that the U.S. is sincerely interested in protecting the American fishing industry.

In conclusion, gentlemen, the actual results of this well-intentioned bill would be disastrous in three respects: (1) it would not in actual application answer the needs of the New England and Northwest Pacific fishing industry; (2) it would definitely bring economic disaster to the distant water shrimp and Gulf coast fisheries; and (3) it would totally wipe out all possibility of achieving an international accord at the Law of the Sea conference.

I say again, I applaud your interest and am pleased to have your support for the fishing industry. I can only hope the information I have provided, the views I have stated and the conclusions I have expressed on behalf of myself, the distant water shrimp industry, the Southeastern Fisheries Association, and all of its Gulf State members, have convinced you to abandon this specific legislative effort. Abandon this legislation. But, please do not lose your interest for the American fisherman and his industry. He needs your support. The whole industry needs your support for enforcement of existing laws and passage of legislation to upgrade the industry—provide us with goals we can pursue together as a united industry, not legislation that divides and damages us, both as individuals and as an industry.

The CHAIRMAN. All right, Walt and Bill. Is Bill Saletic here?  
Mr. SALETIC. Yes.

The CHAIRMAN. All right, Walt, you go ahead with your statement. It's only a short one.

And, Bill, you have a short one, too, don't you?  
Go ahead.

**STATEMENT OF W. V. YONKER, EXECUTIVE VICE PRESIDENT,  
ASSOCIATION OF PACIFIC FISHERIES**

Mr. YONKER. Mr. Chairman, I have a very short statement. I can shorten it some. You have the full statement.

We appreciate the opportunity to appear before this committee to add to our original testimony in opposition to S. 1988, a Bill to extend United States fisheries jurisdiction.

I am appearing here today on behalf of the Association of Pacific Fisheries and the Puget Sound Salmon Cannery, Inc., whose interests in this hearing were detailed in my statement on February 11, 1974. Today I am also appearing on behalf of the Columbia River Salmon and Tuna Packers Association who process in excess of 90 percent of the salmon caught by U.S. fishermen in southwestern Washington, northwestern Oregon, and from the Columbia River.

In our testimony against this bill in Bellingham, Wash., on February 11, 1974, we pointed out in some detail that this proposed unilateral extension of jurisdiction by the United States would:

- (1) Destroy the U.S. bargaining position for fisheries at the Caracas Law of the Sea Conference;
- (2) Cause the loss of our present protection from the Japanese high seas salmon fishery;
- (3) Open the northeastern Pacific to the exploitation of salmon by foreign nationals without regulation; and
- (4) Provide for the allocation of salmon to foreign nations with no assured allocation to this nation's fishermen.

Today we would like to expand and clarify the statements we made in Bellingham regarding the adverse economic impact of S. 1988 on the salmon industry of Washington, Alaska, and Oregon. To point up one of our concerns, it should be noted that the salmon industry has been and will be the largest employer in Alaska and has been and will be, until the trans-Alaska Pipeline begins to produce, the largest taxpayer in Alaska. This industry is also very important to the States of Washington and Oregon, particularly in terms of support for smaller coastal communities that are without other extractive industries.

As we have pointed out earlier in this statement, S. 1988 provides very little protection for Pacific salmon. From 1963 through 1972, the United States has taken on an average approximately 58 million salmon a year. During this same period of time, the Japanese catch of United States salmon has been approximately 3.5 million fish, or 6 percent of this nation's catch. Had the present Japanese fleet fished for this 10-year period in the northeastern Pacific Ocean outside of 200 miles, it could have taken some 15.5 million salmon annually, which would amount to 27 percent of the United States catch.

These comparative data only reflect the effect of the Japanese effort in this area and the additional entry of other fishing nations



who have a vital economic interest in high-value species such as salmon could destroy the industry's productivity or even wipe out runs of salmon. Mr. A. R. Fredin, of the National Marine Fisheries Service Northwest Fisheries Center and an internationally recognized scientist, has stated that he is not aware of a run of salmon that, during its life cycle, does not migrate more than 200 miles off the coast of its home nation.

There are three fishery resources that would be placed in serious jeopardy if S. 1988 is enacted into law. These are the high seas shrimp and tuna fisheries and the Pacific salmon fishery.

To illustrate this point, the National Marine Fisheries Service reported that in 1972 the total value of edible and nonedible fish landed by U.S. fishing craft and caught in United States waters, international waters, and off foreign shores amounted to \$765,000,000. Of this amount, salmon accounted for approximately \$62,750,000, tuna taken outside of the 12-mile fishery zone accounted for approximately \$119,000,000, and shrimp taken beyond this country's 12-mile fishery zone amounted to approximately \$100,000,000. These three species had a total value of \$281,750,000. These catches amount to 36.8 percent of the value of the total edible and nonedible fish taken by U.S. craft.

The Service also reported for 1972 that the total value of fish imports into the United States amounted to \$1,494,400,000, almost doubling the value of the U.S. catch. In the same year, the U.S. fish industry exported \$157,900,000 worth of products.

S. 1988, if enacted, would substantially reduce the salmon, shrimp, and tuna production of this country, which is not realistic in terms of the trade imbalance noted above, nor is it realistic to endanger those segments of the industry which produce 36 percent of the value of the total U.S. fish production. Also, it should be recognized that the probable loss of this nutritious food is not in the best interest of this country, particularly at this time.

We recognize that the 200-mile provision in the proposed legislation is a nonexclusive one as the proposal amends 80 Stat. 908. In this regard, we would then point out that foreign nations would continue to have access to under-utilized species inside a 200-mile zone, and the problems of incidental catches would still be a matter of concern.

Unilateral extension of jurisdiction brings two other problems before us in considering this proposed legislation.

In the first place, we have reservations concerning the effectiveness of unilateral extension of jurisdiction as a conservation measure because foreign fleets would probably continue to fish inside of a 200-mile limit without penalty as there is no international law to support such a jurisdictional claim.

Second, since 1964 the United States has had a law which declares the creatures of our continental shelf to be the property of this nation. To the best of our knowledge, this law has not been enforced. Had it been, the United States would have been able to exercise control over the tremendous incidental foreign catches of tanner and king crab in the eastern Bering Sea. These incidental catches have reached such a magnitude that they are having an adverse effect on

the management of our crab resources. If we had enforced this law against foreign drag operations in the area to protect our crab, we would, as a side effect, have protected our seriously endangered halibut resources as halibut occurs in many of the same areas as do crab.

Mr. Chairman, we appreciate the opportunity to appear before the committee and express our additional comments on this very important proposal.

Thank you.

The CHAIRMAN. Now, you and I have talked about this on many occasions, and Bill, too, so I don't need to ask many questions, or I don't want to.

But I want to clear up one thing.

On the first page of your testimony you come to a conclusion on which there is a disagreement, that it would destroy our bargaining power at Caracas.

Well, I mean that is the conclusion of several people.

Mr. YONKER. Yes, that is my conclusion, sir.

The CHAIRMAN. And I happen to disagree with that.

Now, if this was just beginning, this international Law of the Sea Conference—if this was 15 years ago—I took the same position before we went to Geneva. But our problem is—and I don't like to belabor this—we have gone on and on and on, and we never get anywhere. Something drastic has got to be done.

If this bill would move them in Caracas—sometimes it does, you know. Sometimes you can introduce a bill and get as much done as by passing it. You have it hanging there. Because many members of the State Department say, "Well, it might help us."

There is a difference of opinion. So we won't go into that.

Mr. YONKER. May I comment on that, sir?

The CHAIRMAN. Yes.

Mr. YONKER. We have a position that was developed by the industry, and it is the U.S. position of the Law of the Sea. If we go down there already having 200 miles as a matter of fact in our country, it's like playing poker when you are looking at the back of your hand and your opponent is looking at your cards; we have given our cards away.

Up to this point we have been negotiating and I don't think everybody has been stating realistic positions. I think in Caracas we will start to see them for the first time.

The CHAIRMAN. Well, I have had a long, sad experience with these conferences. With me it goes back 16 years, when I was a delegate in Geneva. Nothing was done. And I was hopeful they would do something after almost 2 years up in New York—2 long years, and they passed one resolution, to adjourn and go to Caracas.

Now they are talking about going to Vienna after Caracas—is that where they are going? They were going to Chile and now they are going to Vienna. I have an invitation to go there.

And I don't know how long this can go on. That is one problem. Now, there is a difference of opinion about this, I understand.

Now, the second one is, "cause the loss of our present protection from the Japanese high seas salmon fishery."

You mean the Japanese treaty would be gone?

Mr. YONKER. I think our action in going to 200 miles would result in the Japanese abrogation of the treaty.

The CHAIRMAN. It is your opinion that they would act to do that?

Mr. YONKER. Yes.

The CHAIRMAN. And I just feel the contrary, that they wouldn't. I think they would keep it going. But that is speculation.

Mr. YONKER. If they don't, then we still have them fishing for our resources up to 3 miles of our coast.

The CHAIRMAN. You and I have dealt with the Japanese for a long time, and you know they don't do something that will hurt them economically, and, to coin a phrase, they have bigger fish to fry with this country. They aren't going to pick out this one thing because we protect our shores. I don't think so.

Now, you say it will "open the northeastern Pacific to the exploitation of salmon by foreign nationals without regulation."

Wouldn't that protect our salmon for 200 miles if we have a 200-mile limit?

Mr. YONKER. If we have a 200-mile limit, sir, as I pointed out, the Japanese could move from the present 3.5 million fish they are catching now to 15.5 million with the same fleet, if they moved into—

The CHAIRMAN. For the record, the figures we have are that they are catching, as Ted points out, a lot of pollock within 200 miles which is valued at about \$300 million. And they don't want to bargain about that.

Wouldn't we have a chance to bargain with salmon over that \$300 million they are taking?

Mr. YONKER. It depends how much you want to trade off.

The CHAIRMAN. We would direct them to bargain.

Mr. YONKER. We have seen the East Germans, the Poles, moving in. We have others coming in.

The CHAIRMAN. They wouldn't want to keep that catch. And the bill says we should negotiate that with them.

Mr. YONKER. I understand.

The CHAIRMAN. It directs the Secretary to do that.

Mr. YONKER. I understand.

The CHAIRMAN. And I assume the same would be true of many other species.

Now, the rest of it I think we have discussed on many occasions, and I don't question at all your facts and figures.

If you think this is going to happen in the Law of the Sea conference, your patience is greater than mine.

Mr. YONKER. I think this is the best place we have to negotiate international protection for salmon.

The CHAIRMAN. But we don't touch a treaty; we don't touch a treaty.

Mr. YONKER. I am talking about international recognition of salmon.

The CHAIRMAN. If they would do that, that is the best thing we could do. But nothing happens.

Mr. YONKER. I think this is the best vehicle for that.

The CHAIRMAN. I have spent, I don't know—I won't use the word—hours, or days, or weeks in this committee room protecting salmon and trying to get cooperation of the State Department, even on our treaties.

Mr. YONKER. I understand. But, Senator, you have a law for our continental shelf that would take care of some of the catch Senator Stevens has been mentioning. The law has been on the books since 1964, and nothing has happened. I think we would have a better crab stock and halibut stock, both. Violations have been documented. There is no question about them.

The CHAIRMAN. Well, it wasn't a law but an administrative directive. It started, didn't it, with the Truman directive?

Senator STEVENS. I have trouble with that, Walt, and I join the chairman in wishing you were with us.

We have jurisdiction over the shelf, but no jurisdiction over the surface. Their trawling operations are legal. What happens as a result of the conflict with the king crab is not consistent. But how are you going to stop them from their trawling operations unless you have jurisdiction of the surface?

Mr. YONKER. If they are taking creatures off our shelf that are the property of the United States, they certainly have to trawl in those areas that would protect the creatures of the shelf in terms of the law.

Senator STEVENS. We have protested those and the Coast Guard has gone out. As you know, there are substantial examples of wrongdoing as far as foreign nations are concerned, and ruining king crab here.

Let me ask Walt two questions—and, again, I wish you were with us.

You mentioned the pipeline. The pipeline will provide Alaska 30,000 jobs for 3 years. The Bristol Bay salmon industry at one time had 40,000 jobs in the Bristol Bay annually.

Mr. YONKER. Yes, sir.

Senator STEVENS. There were over 40 canneries, and the massive fleets of the whole west coast operating the Bristol Bay fisheries. This year it is absolutely closed down. I am informed two canneries—even the native people have been told not to fish for salmon for subsistence purposes because we are below survival levels.

Unless we take some action, how can you possibly expect that to be reinstituted and brought back up to a point where it is really a valuable national asset?

Mr. YONKER. I don't think the 200 miles will protect the salmon, Senator. This is my problem.

Senator STEVENS. I have those figures here. They are taking 1,989,-218 metric tons—the Japanese alone are—almost 2 million metric tons within the 200-mile limit off Alaska.

Mr. YONKER. Probably 4.5 million with the Russians and South Koreans, sir.

Senator STEVENS. Don't you think they want to continue to take part of that?

Mr. YONKER. Yes, I do.

Senator STEVENS. That is our bargaining power.

Mr. YONKER. You work your trade-off.

Senator STEVENS. Trade-off? They are taking that already. They won't get it at all if we pass this, unless they stop taking salmon.

Mr. YONKER. Don't you, with your nonexclusive fisheries zone—the 200 miles is a nonexclusive zone, as I understand it—

Senator STEVENS. That's right, but it is subject to our regulations.

Mr. YONKER. But if we are not using the resource, we might reduce that take from 4.5 million tons to 3.5 or 2.5 for conservation reasons, but you will still have them there and still have the impact.

Senator STEVENS. As far as the Japanese are concerned, they wouldn't get a fish out of that 200-mile zone unless they stopped that high-seas salmon fishing—not one fish.

Mr. YONKER. It's an exclusive fisheries zone.

Senator STEVENS. It has the power for an exclusive fisheries zone in the 200 miles.

Mr. YONKER. My understanding of the legislation is that it applies to a nonexclusive zone.

Senator STEVENS. I think the old springboard case of taxation of national banks—power regulates the power to exclude. And certainly the power is there, which we don't have today.

But I would like to have those 40,000 jobs back. I would much rather have 40,000 jobs every year forever than 30,000 jobs for 3 years.

Mr. YONKER. Senator, realistically, with the same runs that you had when you had 40,000 jobs in the bay—if those runs existed today you wouldn't need 40,000 people to carry out those jobs. The technology of the plants has changed markedly.

You take plants that were running on lines with 50 cans a minute, and now they are running over 300 cans a minute. You have multiple-line plants; you have brine transportation. And you won't have the jobs in the bay, as I see it, because of technology.

Senator STEVENS. I understand we have technology and modernization, and we are all for that. We are not opposed to that. I would like to see them come back and modernize all those canneries and put them into operation and get rid of some of that floating equipment that looks like 14-story buildings.

I am trying to get the committee to go up there and see them. I don't think most people have seen some of those that have buildings as big as apartment buildings in Anchorage on them, schools on them, all year long. No one comprehends what is up there unless they have seen it. I know you have seen it.

I wish you could see your way clear to agree with us on this. We are trying to protect your people.

Mr. YONKER. I just don't see how a trade-off can do it, Senator, or I don't see how it could be done under the terms of this legislation.

When you set up a nonexclusive zone, you don't have a trade-off. If you have an exclusive fisheries zone, that's a different problem. Then you have a trade-off.

The CHAIRMAN. It's kind of robbing Peter to pay Paul, isn't it?

Well, I think we have had a healthy discussion. And, as I say, we three have discussed this many times. We happen to disagree. I think the Japanese will be more amenable to negotiation, rather than the other way.

I happen to think that, and I have had some experience with them. They don't want to lose the other things either. We advise them "Unless we agree on certain things," and then we direct them to get a treaty going.

Senator STEVENS. We'll help you to get it to their attention. I put a prohibition on that Alaska pipeline bill that no Alaskan oil gets exported. The next thing we'll do is put a prohibition on export of coal. If that doesn't get their attention, then we'll put the prohibition, "no additional exports of timber products." One of these days they'll get the message, to get off our salmon.

I don't know how long it will take, Walt, but the time will come when they get the message, and when they get off the high-seas fishery and we can have some control in terms of sound management practices over the whole North Pacific and Bering Sea, I think everybody, including the Japanese, will be better off.

Mr. YONKER. I think your biggest bargaining point, if you can use it for bargaining for salmon, is oil. I think you could use bargaining with oil in other species as well and have as good a weapon as the 200 miles, or better.

Senator STEVENS. We have to get their attention first.

Mr. YONKER. You have to get their attention.

The CHAIRMAN. There is one way to get their attention, and I'll tell you what it is.

Senator STEVENS. Pass this bill.

The CHAIRMAN. If we pass this bill, it will get their attention.

Another thing that bothers me—I talked to some people down in Oregon about 2 weeks ago. The ocean perch people have stopped fishing because of the depletion of the stock.

Mr. YONKER. Yes.

The CHAIRMAN. They just quit. I don't think there's a boat out there.

Mr. YONKER. There are three or four small boats.

The CHAIRMAN. So we have to do something about this off our shores.

I am hopeful that the salmon problem, which is 2,000 miles away, can be assisted by passage of this legislation. The 200-mile limit doesn't affect our problem out there.

The only connection I see is that apparently there is some word around that if we do this, they are going to retaliate. Isn't that about the story?

Mr. YONKER. That's what I'm saying, sir.

The CHAIRMAN. Now, where does that word come from? From them?

Mr. YONKER. No, it doesn't come from them.

The CHAIRMAN. Maybe there are some grounds for believing that because we have had so much trouble with this treaty.

Mr. YONKER. Senator, as I pointed out in Bellingham, we——

The CHAIRMAN. But that is the whole basis of it. If the Japanese would say, "We don't mind the 200 miles," or, "We are not going to do anything; the salmon problem is another problem out here," it seems to me the salmon people would have no interest in the bill except to protect their fellow fishermen offshore.

But maybe the State Department is pulling this one; is it?

Mr. YONKER. No, I don't think so, sir.

The CHAIRMAN. No?

Mr. YONKER. I can't believe that the Japanese——

The CHAIRMAN. Well, they talk about it and they talked about it up in New York, and they are going to talk about it in Caracas.

If this were true and we knew this was going to happen, it would be different. Because it deals with one species far offshore and not with what we are trying to do.

Treaties are exempted in the bill, and they could even make treaties within the 200 miles or 150, or whatever it may be, and the State Department is directed to do that.

Mr. YONKER. Senator, one thing I think should be recognized is that if we keep the 175 degree west line and the North Pacific Treaty or Convention, the Japanese will continue to be able to fish within 3 miles of our coast west of 175 degrees west, as they do now.

The CHAIRMAN. Well, I don't quite see that.

Mr. YONKER. In the terms of the INPFC treaty or convention, the Japanese can fish up to within 3 miles of our coast west of 175 degrees.

Mr. STEVENS. For other than salmon.

Mr. YONKER. Yes.

The CHAIRMAN. That is up in the Aleutians. That will only be in the Aleutians.

Mr. YONKER. Yes, sir. And if we keep that line with the treaty, they will still be able to fish there.

Senator STEVENS. Subject to good management practices if we pass this bill.

Mr. YONKER. No, because the bill won't affect an international treaty that continues in existence, as the Senator explains it to me.

Senator STEVENS. I agree. We will have to continue to let them do it.

Mr. YONKER. Regardless of the 200-mile law, they will still be able to fish within 3 miles of our coast.

The CHAIRMAN. That's where they use those long nets.

Mr. YONKER. Yes.

Senator STEVENS. That one they cut loose was 14 miles long, a monofilament net. And they slipped it in to evade the Coast Guard, a marauding net that catches fish by the school. You don't think we can regulate that?

Mr. YONKER. That's my problem. We won't be able to regulate it west of the 175 if we keep the 175 in and go for the 200 miles.

Senator STEVENS. I don't think that is inconsistent with the treaty, to say, "If you fish there you have to fish in accordance with standards of civilization," which they are not doing now.

Mr. YONKER. I might have some trouble with my definition of "civilization." On conservation I agree with you.

Senator STEVENS. When we went to the World Court, the U.S. Government stood up on its hind feet and we destroyed them.

The CHAIRMAN. If we let people like that scare us, I don't know what we'll come to.

I am just sitting here, Walt, wondering what I was doing out in the South Pacific some years ago. It's pretty hard to figure out. Maybe at that time we should have put that in the treaty. We would have had a real treaty.

Yes, and I was in Tokyo, helping draft material on the merchant marine and fisheries. Maybe I made a mistake, trying to be decent, and then they do things like this.

Well, we have had a good discussion, and I want this record complete because I realize there are two sides to everything.

Mr. YONKER. One thing that bothers me—there are two things.

One thing that bothers me is in the last 2 years Japanese fishing boats, gill netters, have been picked up south of Kodiak, 170, 180 miles offshore. It seems to me these people are probing the fishery migrations in the Gulf of Alaska, and this is the point I am trying to make, of the vulnerability of our salmon fishery in the Gulf. These are 600 or 700 miles over the line, and I am not sure it is navigational error at that point. These boats were there and were apprehended and sent back to Japan under the terms of the convention.

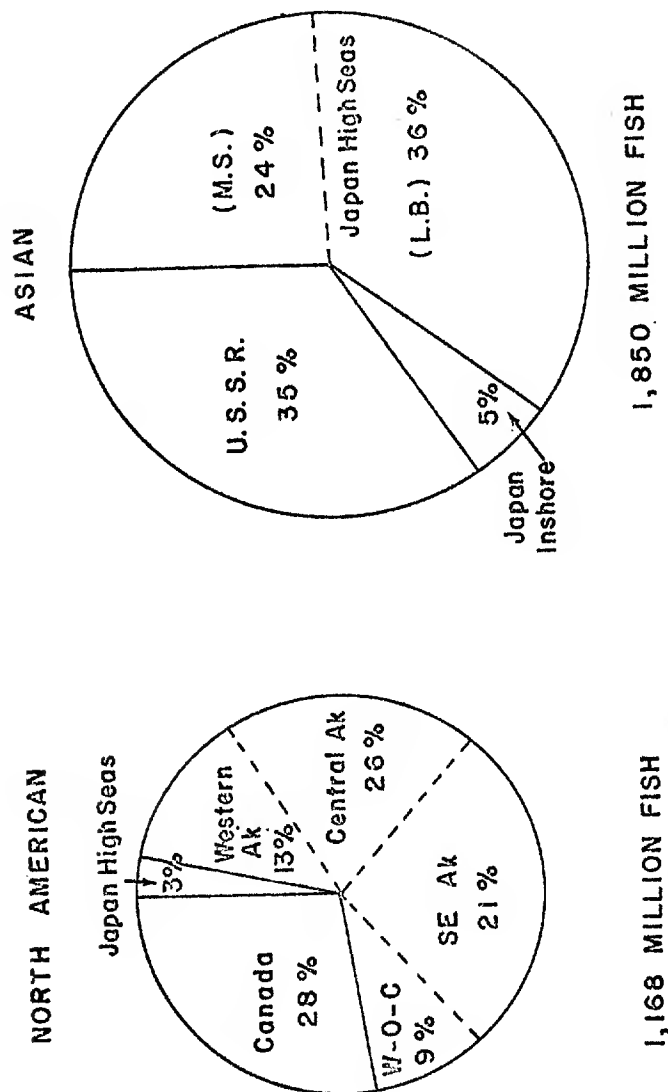
The CHAIRMAN. Yes. And they probably will continue that whether we pass a bill or not, or whether anything is done in Caracas, or anything else—I shouldn't even mention Caracas. That is just a way station. It's Vienna. We'll probably end up in Paris with this conference sooner or later.

All right, Walt.

Mr. YONKER. Thank you, sir.

[The attachments referred to follow:]

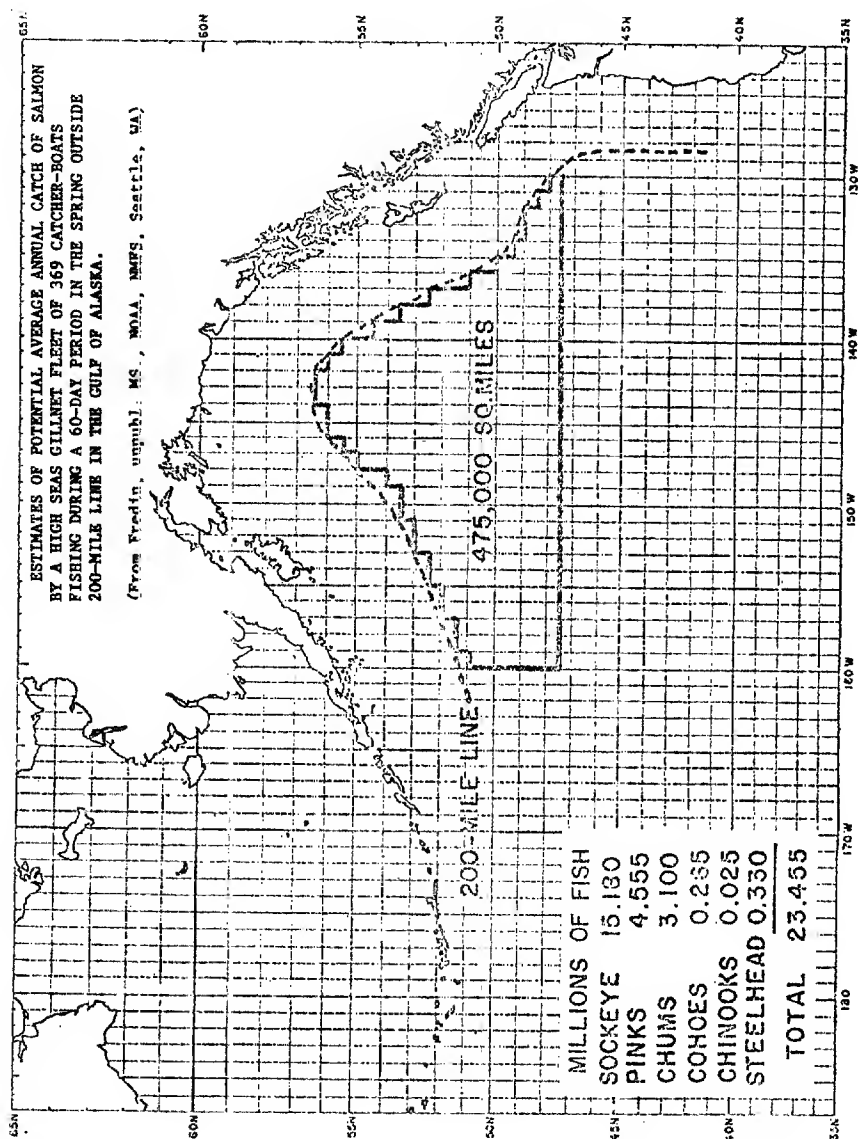


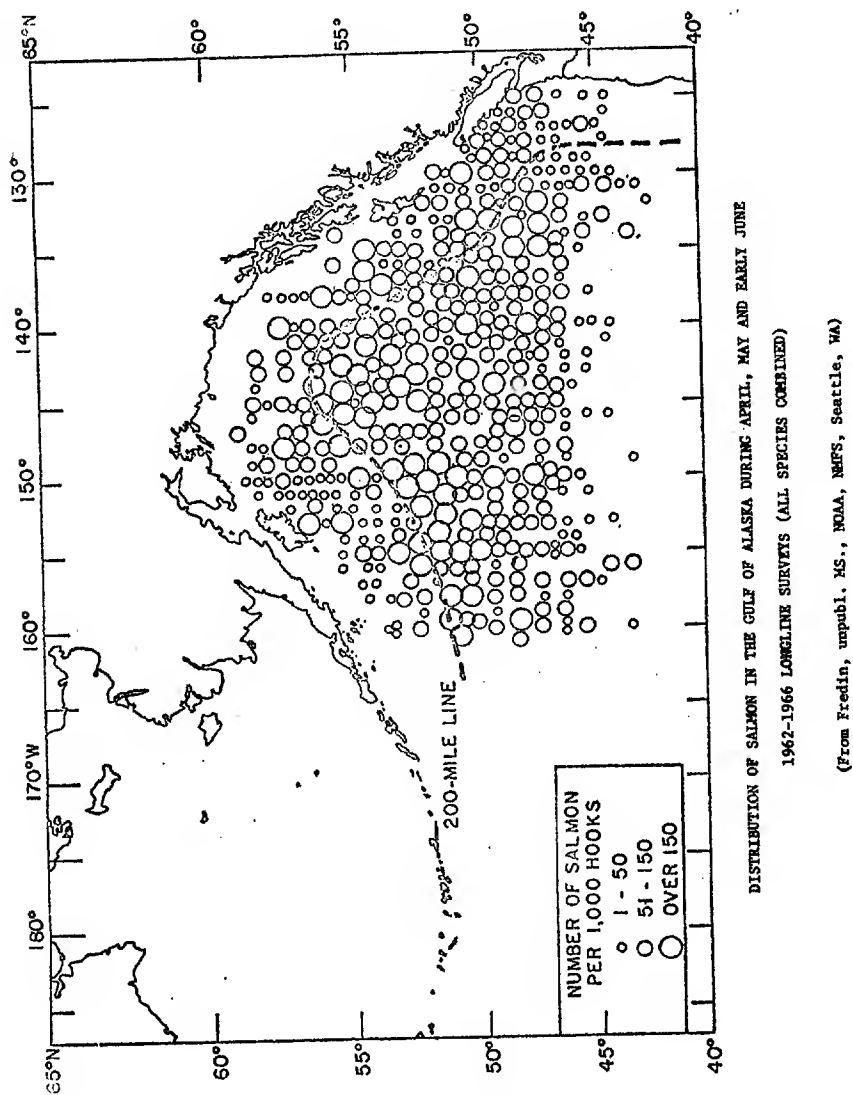


CATCHES OF NORTH AMERICAN AND ASIAN SALMON, ALL SPECIES AND 1954 TO 1965 COMBINED

AND PERCENTAGES TAKEN BY FISHERY - AREA - COUNTRY

(From Fredin, unpubl. MS., NOAA, NMFS, Seattle, WA)





The CHAIRMAN. Bill, we'll be glad to hear from you.  
Now, the record is open in case you want to make some corrections. We used figures here today.

**STATEMENT OF WILLIAM G. SALETIC, EXECUTIVE MANAGER,  
SEINERS ASSOCIATION**

Mr. SALETIC. Thank you, Senator, for giving us an opportunity to testify again.

I am William G. Saletic, executive manager of the Seiners Association of Seattle, Wash. Our organization consists of 225 vessel owners or operators who fish for salmon in the waters of Washington and Alaska. At this time I would like to give our brief comments on Senate bill 1988.

Pacific salmon comprise the Nation's third most valuable fishery. It alone contributed \$158 million to the State of Washington economy in 1972. We believe that the salmon fishery should be considered very carefully when legislation such as Senate bill 1988 is proposed.

Given the almost certain condition that Japan will abrogate the International North Pacific Fisheries Treaty upon passage of a unilateral extension of our fishery zone, there is the assurance that some of our salmon stocks could be eliminated. Biologists at the National Marine Fisheries Service determined that 15.5 million U.S. salmon would be available to Japanese and other foreign fleets annually. These fish have an annual wholesale value of \$69,800,000.

We feel that even though Senate bill 1988 makes a provision for anadromous stocks, the salmon industry would be hurt by such unilateral action. We can not believe that the United States would adequately protect our anadromous stocks even if it was feasible. There are too many complicating factors that would curtail such a plan.

Another portion of the anadromous stocks section states that the Secretary of the Treasury may authorize foreign fishing vessels to harvest salmon outside of our territorial waters if such fishing did not reduce the salmon populations below conservation levels. This leaves no room for economic management schemes and gives too much authority to the Secretary of the Treasury.

As you are probably aware, our association has been involved with our Government in formalizing the present U.S. position for Law of the Sea, especially in regard to fisheries. The outcome was the species approach, and leaders from all segments of the U.S. fishing industry were in agreement with this concept.

This species approach has been reworked and redrafted many times to its present form, and we feel this is the proper position to be taken for protection of all U.S. fisheries.

We feel that if Senate bill 1988 was implemented, our position at the Law of the Sea would be jeopardized. The United States would not be able to present a species approach while it is unilaterally enforcing a 200-mile fishery zone. This would let other countries believe that the United States has accepted a 200-mile fishery jurisdiction with no possible protection for our salmon and migratory species—tuna.

We understand that our coastal species of crustaceans and bottom fish need further protection. We believe that adequate provisions will issue forth from the Law of the Sea to protect these species.

In conclusion, Senator Magnuson, we do not feel that this is the appropriate time for such action. We plead that you keep in mind the possible effect on the salmon industry, shrimp industry, and tuna industry, and proceed very carefully with Senate bill 1988.

Thank you very kindly for giving us the opportunity to testify before you, and at this time I would be more than happy to answer any questions you may have.

The CHAIRMAN. Well, thank you, Bill.

We do have in mind the effects, but I think the problem here is that the people who are interested in this matter, industry and others, have a different viewpoint on what the effects would be.

Now, if, as you say, it is almost certain that Japan would abrogate the international treaty on passage of such a bill, that would be bad. I don't happen to think they will. I think we have a better bargaining position with them than we have ever had with this bill.

The industry naturally has been concerned. Most of them are worried about this possibility. I don't know that it is certain or not. It might be. Maybe they have some word I don't have and they are in closer touch. But I think we will have a better way of negotiating for all these things.

Now, second, I agree with you that no matter what we do, there is too much authority given the Secretary of the Treasury, but we don't know where else to put it at this time. We can change that. The bill is just a working paper.

I still say that I don't think our position with the Law of the Sea would be jeopardized I think it would be strengthened. I could be wrong.

I am thinking about moving, timewise. I suppose if we quit right now, this would have some kind of effect on moving. But they just don't seem to move. I couldn't waste that much of my time, to sit around and listen to some of the things they talk about. And I have been to several conferences, and we never can seem to get our position across.

Of course, as you two know, and as I know, the best way to do it would be that way. That would be the best way. But after years, you lose your patience.

Again if you want to add something, you may.

I appreciate you both coming, and we will be talking later on. And the record is open, in case you want to make any changes.

As I stated before, we are going to have some hearings up in New England in the next 2 weeks or so, and we have had field hearings pretty nearly everywhere, like the Bellingham and the Aberdeen ones.

Then we will sit down and see—maybe they might convene Caracas early and get this done, and then we won't have to have any more hearings. That is Alice in Wonderland to expect that.

All right; thanks, Bill.

Mr. SALETIC. Thank you, Senator.

The CHAIRMAN. And, Walt—

Mr. YONKER. Yes.

The CHAIRMAN. I'll see you in my office a little later. I'm going over in a minute.

Now we have all the tuna people here: Mr. Carry, Mr. Broadhead, Mr. Edney, Mr. Spinello, and Mr. Felando.

Senator STEVENS. Before we leave salmon, would you let me put in the Japanese catches of Bristol Bay sockeye from 1956 to 1973. I think it would help people understand our problem with salmon.

The CHAIRMAN. Yes.

Senator STEVENS. I would like to put that in the record.

The CHAIRMAN. As I was going to say, the Senator from California wants to be here when you people testify, and it is now noon. I wonder if we could get some word if he could come back here at 1:30. We'll find out before we start.

[Discussion off the record.]

The CHAIRMAN. I promised him he could be here.

Is Mr. Clouston of the Corporation here, and Mr. Levering and Mr. Jarvis? You people will have to come back this afternoon. There are three of you.

Mr. CLOUSTON. There are three here, but just one of me.

The CHAIRMAN. What is the Gorton Corporation?

Mr. CLOUSTON. It is a seafood corporation in Gloucester, Mass., with plants in Miami and Alabama—a seafood processing company. But I am speaking for the National Fisheries Institute, which is the national association.

The CHAIRMAN. The Senator from Alaska will hear you and Mr. Levering and Mr. Jarvis, and I will ask the tuna people to wait for the Senator from California.

Mr. FELANDO. Senator, I am August Felando, and I would very much appreciate—

The CHAIRMAN. Come up and use the mike. What is your problem?

Mr. FELANDO. Senator, we have been associated quite a long time with respect to tuna, and you have helped us out quite a bit. And I feel in view of some of the remarks that have been made in the record in Washington and here today, I hope the Senator, if it is possible, will be present along with Senator Tunney this afternoon, because I would very much welcome the exchange between ourselves to sort of clear up some of the points.

The CHAIRMAN. You mean me?

Mr. FELANDO. Yes, if possible.

The CHAIRMAN. I can't be here this afternoon.

Mr. FELANDO. I'm sorry.

The CHAIRMAN. I'll read the record. I know about this subject pretty well.

Mr. FELANDO. Well, I think you do.

The CHAIRMAN. A lot of it here today is repetition to me.

Mr. FELANDO. Well, I'm sorry you won't be here this afternoon, Senator.

The CHAIRMAN. We want everyone to be on record, that's the main thing.

You represent the tuna people?

Mr. FELANDO. I represent the tuna vessel owners.

The CHAIRMAN. Yes, I know.

Well, Senator Tunney is on the way, so you go ahead. And if I can get back after 1 o'clock, I will, but I don't know whether I can or not.

Senator STEVENS. Will you proceed, please, Mr. Clouston.

**STATEMENT OF ROSS CLOUSTON, PRESIDENT, NATIONAL  
FISHERIES INSTITUTE**

Mr. CLOUSTON. I am Ross Clouston, president of the National Fisheries Institute, the major national organization representing all facets of the American seafood industry. Active and associate members of the National Fisheries Institute include 570 U.S. seafood processors, brokers, and wholesalers. In addition, domestic producers are represented as members of the NFI Regional Association, made up of 17 fisheries associations.

It is a pleasure to appear before this distinguished committee and to represent the views of the Institute on this most important issue of fisheries jurisdiction and management.

There is no disputing the problem before us. The National Marine Fisheries Service has recently estimated that overfishing of herring, cod, flounder, mackerel, redfish, and tuna is evident in all five of the world's major fishing areas. To this list can be added the decline of stocks of haddock and halibut off our own coasts. On a worldwide basis, these over-fished stocks represent two-thirds of the total catch taken from the sea annually.

Thus, two points come clearly into focus: first, overfishing is worldwide; and second, the vast majority of the species we rely on as sources of protein are being affected.

In short, the fishing effort is too intensive and decimation of stocks is at hand. Man is currently taking a protein source which is infinitely renewable when properly managed, and making that renewability finite. If large, subsidized, foreign stern trawler fleets are allowed to persist up to 12 miles from our shores in fishing endeavors which are unmanaged by sound conservation and resource management principles, then the days of our domestic fishing industry or, indeed, of any fishery anywhere in the world so treated, are numbered.

The problem of overfished and decimated stocks cries out for a solution in the form of resource management. And it is believed by many that the United States and its fishing industry can ill-afford to wait many years, perhaps as many as 5 or 10, for a solution through the Law of the Sea Conference.

The legislation currently under consideration by this committee must be commended for its goal of resource management. This is a goal which must be achieved. However, as we turn to the issue of what form our fisheries management program must take, I would like to suggest that certain aspects of Senate bill 1988 are inadequate to reach this goal and may even in some cases be harmful to the domestic fishing industry.

Paramount among the characteristics of which I speak is the extension of the contiguous fishery zone to 200 miles. The U.S. fishing industry is multifarious and complex. This complexity frustrates easy solutions and the extension of the contiguous zone to 200 miles in order to protect our coastal fish is a case in point.

The flaw or shortcoming that the National Fisheries Institute sees is that S. 1988 oversimplifies the interest of the U.S. fishing industry and the needs of those whom it seeks to serve. In so doing, it is our feeling that a simple 200-mile unilateral extension of fisheries zones as much harm as it does good. While New Englanders might benefit from a 200-mile limit, southern California distant-water tuna fishermen and Gulf States shrimpers would be harmed grievously by such an alteration of the current law. The U.S. assertion of a 200-mile limit would destroy the foundation for the protection currently afforded our domestic tuna fleets by the Fishermen's Protective Act, the purpose of which is to support the right of our tuna fleet to fish up to 12 miles off any coast.

Second, S. 1988 fails to speak to the problem of enforcement. No government agency would be directed to take action to protect resources within 200 miles, nor given the mandate to do so.

Senator STEVENS. Let me interrupt you there, Mr. Clouston.

Mr. CLOUSTON. Yes, sir.

Senator STEVENS. The Coast Guard is already directed for the law enforcement. If we extend it to 200 miles, won't you agree they can enforce it?

Mr. CLOUSTON. We are only pointing out that it is important there be enforcement. We didn't read it that way, but if that is the intent, we are in agreement.

Senator TUNNEY. In California, we know at the hearings in which we had so advised Admiral Whalen of the Coast Guard Pacific Region, he indicated what would be required was approximately six additional cutters in operation along the Washington-Oregon coast. And, as I understand it, it would require several millions of dollars additional appropriation for the Coast Guard to be able to meet that.

Senator STEVENS. We all recognize that another 188 miles of jurisdiction along all our coast will mean a substantial increase in the demand of the Coast Guard for Federal support, and particularly dollars.

But my point is they do have the mission of the law enforcement arm over our water within the U.S. jurisdiction.

Mr. CLOUSTON. We just want to make that clear.

Clearly, some expression of intent and description of an enforcement system is needed in order to make this act fully meaningful. In short, the institute feels enforcement is essential to the efficacy of this legislation. More important still is the serious intent to enforce. We seriously question whether the \$1 million authorized under section 7 would be adequate to accomplish the important objectives and carry out the provisions of S. 1988.

Third, the bill does not provide for necessary assistance to the domestic fishing industry in developing the ability to make the fullest possible use of the fisheries resources off our coast.



The simple extension of our jurisdiction to 200 miles is not in itself adequate to rebuild the domestic coastal fishing industry. It is often said that our domestic fishermen do not have the capability to obtain maximum sustainable yields within our current 12-mile limit. If the Congress desires to aid our domestic fishing industry, particularly that located in the northeastern part of the United States, in order to make it competitive with subsidized foreign fleets, then we feel this goal should be specifically set out in the text of this act.

Last, it is our belief that historical fishing rights must be recognized and explicitly addressed in any conservation or resource management program. The common goal of conservation is one that must be recognized. But we also must recognize that much like we depend on our own distant-water tuna fishing fleets for part of our food, foreign nations have relied on their catch off the coasts of the United States as an essential part of their food supply, much as they rely on our tremendous exports of wheat and soybeans.

The National Fisheries Institute believes historical fishing rights should be recognized as long as they remain consistent with principles of conservation and resource management. Our own distant-water fishermen ask for such rights off the coast of Latin America. We can afford to extend such rights to other fishermen as long as our own fishermen and our vital fish resources are protected.

The National Fisheries Institute believes that the United States has a special interest in the maintenance and productivity of the living resources in any area of the high seas adjacent to its territorial sea. Despite our doubt over the practical effect of a simple extension of 200-mile jurisdiction, we fully agree that the time has come for action to preserve over-fished stocks, to prevent destruction of these stocks.

With the Law of the Sea Conference due to convene in June, we suggest to the Congress and the U.S. Government that the appropriate time has now arrived for the United States to take immediate action in a manner similar to and in accordance with article 7 of the 1958 Convention of Fishing and Conservation of the Living Resources of the High Seas.

Article 7 states that:

Any coastal State may, with a view to the maintenance of the productivity of the living resources of the sea, adopt unilateral measures of conservation appropriate to any stock of fish or other marine resources in any area of the high seas adjacent to its territorial sea, provided that negotiations to that effect with the other States concerned have not led to an agreement within six months.

The Convention further states that measures which the coastal State adopts shall be valid as to the other States if the following requirements are fulfilled:

(A) That there is a need for urgent application of conservation measures in the light of the existing knowledge of the fishery;

(B) That the measures adopted are based upon the appropriate scientific findings;

(C) That such measures do not discriminate in form or in fact against foreign fishermen.

Certainly this urgent need for interim resource management and conservation of U.S. coastal stocks is evident. While a unilateral extension of our fisheries zone to 200 miles would seriously damage our own American tuna and shrimp fishermen, action to extend management and conservation jurisdiction to over-fished stocks, wherever they are—15, 50, or 250 miles—would be fully justified and appropriate.

After all, the resources management of various species of fish must recognize nature's law, not man's, if it is to be successful.

A permanent solution requires recognition that different species, that is, migratory, anadromous, and coastal, require different resource management and conservation techniques. Migratory species and anadromous species are already well-advanced in the development of international agreements providing for their conservation and management. It is the coastal species which need the most urgent attention. Management of these species must be by the coastal state, and should recognize both individual stock situations and the full limit of the species range, be that range 5 miles or the full extent of the continental shelf.

The interim action proposed by the NFI would serve to protect overfished species while the international community works for final agreement along the lines I have proposed above. If such agreement is not forthcoming over a reasonable length of time, subsequent action, including resource management with preferential rights for domestic fishermen will be necessary.

However, the first step must be to protect coastal species in accordance with the best existing international conventions. In this respect, we ask that the Congress consider interim, unilateral action along the lines of our resolution as preferable to the unilateral expansion of exclusive fisheries zones as proposed in S. 1988.

Senator STEVENS. I have read that resolution and I am familiar with it. You have a good suggestion. I have asked the State Department, as a matter of fact, what they think about it. It might be an approach that could work, but it needs someone to take action to do it.

Mr. CLOUSTON. We suggest the United States take action.

Senator STEVENS. I proposed that type of resolution for the North Pacific and Bering Sea, following one of your meetings, as a matter of fact.

Mr. CLOUSTON. Our purpose is to tell you this industry understands the purpose you have. We commend your action. We understand the United States must be responsible in the eyes of the world, but we ask that something be done.

When we ask you to do this, we ask you to do it now, start the meter running—6 months. Go over and tell them, "We'll extend it after 6 months if you haven't done something." The conference might meet in Caracas or wherever it meets. You might consider Vienna reasonable. After that, we have another set of proposals which would really put some teeth into this on a permanent basis.

Senator STEVENS. We would be happy to see those. I think the chairman would not disagree with me, but in view of some of the

extracurricular activities this Congress is involved in, I am not so sure we are going to be able to complete action on that legislation within 6 months.

But it is a good suggestion and we thank you for it.

Senator TUNNEY. Mr. Chairman, may I ask the witness one question?

Would that require a declaration by the President?

Mr. CLOUSTON. I can't answer that.

Senator STEVENS. We are waiting to find out what it takes.

Mr. CLOUSTON. The law is on the books.

Senator STEVENS. But it takes a 6-month period, so someone must start the time running.

Mr. CLOUSTON. Yes, we would have to start right now.

Senator TUNNEY. But you don't know whether it is the President or the Secretary of State?

Mr. CLOUSTON. The mechanics of it I don't know, Senator.

Senator STEVENS. I have asked the Law of the Sea negotiators to tell us that, but I don't know either what would initiate the time-frame. They have been negotiating a lot more than 6 months already. Whether or not they can count that, I don't know.

Mr. CLOUSTON. I might add we have struggled to find a basis where we could come to the Congress as a unified industry for once and give you instructions with one voice.

Senator STEVENS. The salmon and tuna people agree with this approach.

Mr. CLOUSTON. Our 17 associations include those people.

Senator STEVENS. And they agree with this approach?

Mr. CLOUSTON. We had a unanimous resolution passed at our convention last Saturday in Miami.

Senator TUNNEY. Were there representatives of the coastal fishing industries on the California coast?

Mr. CLOUSTON. I have a list of 17 associations, some of which have appeared before you today; yes.

Senator STEVENS. I will let you know what the Law of the Sea people have to say about it.

Thank you very much. We appreciate your coming. The resolution will be included in the record.

Mr. CLOUSTON. Thank you.

[The resolution follows:]

#### PROPOSED RESOLUTION ON INTERIM ACTION FOR RESOURCE MANAGEMENT

Whereas, certain valuable species of fish and marine life off the shores of the United States are now in danger of being seriously overfished; and

Whereas, certain stocks of valuable fish and marine life are now being overfished by fishing efforts beyond the existing twelve-mile fisheries zone near the coastline of the United States; and

Whereas, international negotiations have to date proved incapable of obtaining timely agreement for the protection and conservation of certain species of fish and marine life off the coast of the United States; and

Whereas, there is increasing danger of irreversible depletion before efforts to achieve an international agreement on jurisdiction over fisheries can result in an operative agreement; and

Whereas, the United States has a special interest in the maintenance of the productivity of the living resources in any area of the high seas adjacent to its territorial sea;

Now, therefore, be it

*Resolved*, That the National Fisheries Institute urge the United States government to take interim action based on adequate and sound scientific information to protect, conserve and manage all overfished stocks and to protect our domestic fishing industry; such action to ensure wise management of living marine resources for the good of all mankind which will permit maximum sustainable yields of all species from the sea; and be it further

*Resolved*, That the National Fisheries Institute urge the United States government, as a coastal state having a special interest in the maintenance of the productivity of the living resources in the seas, to unilaterally invoke a regulatory system similar to and in accordance with Article 7 of the 1958 Geneva Convention whereby unilateral measures of conservation will be adopted "... provided that negotiations to that effect with the other States concerned have not led to an agreement within six months" from this date.

Senator STEVENS. Now we will have the gentlemen who are here with the tuna group, Mr. Carry, Mr. Broadhead, Mr. Spinello, and Mr. Felando.

[Discussion off the record.]

Senator STEVENS. We are happy to welcome you here again.

**STATEMENTS OF CHARLES R. CARRY, EXECUTIVE DIRECTOR, THE TUNA RESEARCH FOUNDATION, INC.; GORDON C. BROADHEAD, PRESIDENT, LIVING MARINE RESOURCES, INC.; RALPH SPINELLO, SECRETARY-BUSINESS AGENT, SEINE & LINE FISHERMEN'S UNION; AND AUGUST FELANDO, GENERAL MANAGER, AMERICAN TUNABOAT ASSOCIATION**

Mr. CARRY. Mr. Chairman, I am sort of acting as master of ceremonies for the tuna group at the moment. I want to point out that at the table you have myself--and I will identify myself more fully later; you have Mr. Gordon Broadhead from the Living Marine Research, Inc., who is a consultant to the tuna industry; you have Mr. Felando from the American Tunaboat Association, and Mr. Spinello from the Seine & Line Fishermen's Union.

Mr. Edney is on the list, and we understood he was coming, but he has not arrived so he will not be testifying. And pursuant to Senator Magnuson's remarks about the record being kept open, we will see if Mr. Edney wants to file a statement later for the record.

Senator STEVENS. Thank you very much.

Mr. CARRY. Mr. Chairman, I am Charles R. Carry, Executive Director of the Tuna Research Foundation, based at Terminal Island, Calif. I have previously testified before Senator Tunney at a hearing on this subject which he conducted in San Diego on April 18. Copies of this testimony are in your records and I will endeavor to avoid duplication.

My purpose today is to provide additional information which I trust will be of value to you in your deliberations. Last week in San Diego I promised Senator Tunney detailed economic data concerning employment and other factors and, with that in mind, I would like to present Mr. Gordon C. Broadhead, president of Living Marine

Resources, Inc., an independent consulting organization with considerable experience in fisheries.

After Mr. Broadhead's presentation, I would appreciate your granting me the time to complete the extension of my testimony.

I would like at this time to have Mr. Broadhead present his statement, if this is agreeable to the committee.

Senator STEVENS. Thank you very much.

Mr. Broadhead, do you have a statement?

Mr. BROADHEAD. Yes. I am submitting the entire statement for the record, and am giving you a synopsis.

Senator STEVENS. Thank you very much. All your statements will be printed in full.

Mr. BROADHEAD. My name is Gordon Broadhead and I am president of Living Marine Resources, Inc., a San Diego-based marine science and fisheries consulting firm. Our senior staff has been associated with both research and business-oriented activities in fisheries and the tuna industry for the past 20 years.

And my written statement includes a partial listing of some of our professional associations.

The committee has already heard substantial testimony documenting that there would be a crippling effect upon the U.S. tuna industry as we know it today if S. 1988 is implemented, and a serious secondary impact upon its various supporting industries, and a heavy cost burden upon the U.S. consumers of canned tuna. My testimony today is to attempt to provide an economic yardstick for measurement of the extent of this potential damage.

Not all of our U.S. fishing industry is going down. As you know, the tuna industry is a large, healthy, and growing segment of the U.S. economy, and tuna, together with shrimp, provide the rare examples among the major world fisheries where the United States has a clear lead in fishing, processing, and marketing technology, and in marine research.

At present construction costs, the U.S. tuna fleet has a replacement value of just under \$500 million. Of this, the long-range big boat clipper fleet represents about \$350 million. The remainder is in short-range vessels, the albacore vessels and the short-range purse-seiners and baitboats.

Tuna vessels represent about 30 percent of the total replacement value of the entire U.S. fishing fleet. And tuna, shrimp, and salmon vessels make up about 65 percent of the total value. More importantly, tuna and shrimp represent major growth industries.

During 1973 alone, there were 73 tuna vessels with a value of approximately \$66 million added to our growing fleet. This level of tuna vessel construction is anticipated to continue for at least the next 3 years, and will add an additional \$200 million to our modern and growing fleet.

The general health of an industry can often be measured by examining the flow of capital into its various segments. During the past 2 years, the tuna industry has accounted for more than 50 percent of the dollar flow into fishing vessel construction in the U.S.

fishing industry, and if we include salmon and shrimp, it becomes 90 percent of the total dollar flow into the fishing vessels in the U.S. production section of the industry. A notable exception, of course, is king crab.

Thus, the three fisheries which will be impacted by extension of fisheries jurisdiction to 200 miles account for about 90 percent of the recent growth in our fishing fleets.

Now, of course this also highlights some of the weakness of the other segments of the industry that your bill is attempting to assist.

Senator STEVENS. Do you have any figures as to the percentage of the employment on those vessels of U.S. citizens? Are they all manned by citizens? They aren't, are they?

Mr. BROADHEAD. No, not entirely, although a very large percentage of the tuna vessels are manned by U.S. citizens.

Mr. Felando may be able to give you the exact percentage.

Senator STEVENS. Maybe he can give us that, and also their landings. My understanding is you are not landing all your tuna on shore now, but you are taking them into some of the canneries on the Pacific now.

Mr. BROADHEAD. Last year about 8,000 tons of tuna was translanded and transshipped to U.S. canners. It was not very much last year.

Senator STEVENS. You made a very good point. We understand up our way the health of the tuna industry. And, as some of you know, I cut my legal teeth representing the tuna industry. It is a very interesting position to be on the other side from you in this instance.

We recognize the health of the tuna fleet and certainly don't want to do anything to harm it. You have come a long, long way, as the saying goes. But we just disagree, that's all.

I think you have some fine statistics, though.

Mr. BROADHEAD. In addition to this, our shipyard construction, maintenance, and repair industry has a very substantial impact, particularly on the Pacific Northwest coast.

Last year our shipyards constructed a little over \$72 million worth of tuna vessels. There were around \$6 million worth of vessels constructed for export. That gives you the difference between my original figure of \$66 million.

Of this amount, about \$36 million went directly into the hands of employees, either direct labor in the shipyards, or indirect labor and social benefits for these employees, and also their subcontractors within the yards.

Senator STEVENS. You point out the tremendous amount of tuna that this Nation consumes, and I think that is a fact we all recognize. That \$1 billion worth—how much of that was imported and how much of it was U.S. produced?

Mr. BROADHEAD. Last year about 40 percent of our total. It varies from year to year, of course, but it is in that neighborhood. Forty percent is domestic, and 60 percent is through imported frozen fish, and a small percentage from frozen and canned imports.

Senator STEVENS. This tuna industry you are talking about in your statement is the domestic portion, the 40 percent?

Mr. BROADHEAD. The portion that I was just discussing, which related to the shipyard and repair area is, of course, entirely in support of our domestic fishing fleet.

Senator STEVENS. Well, that is substantial. If we can figure out any way to give you 100 percent, we'll be happy to help.

Senator TUNNEY. And what is the multiplier effect?

Mr. BROADHEAD. I combine the portion of the dollars that went directly to the fishing fleet, which was \$135 million with the \$70 million that was in the support industry, the construction, to reach a total of slightly over \$200 million in 1973, and using a multiplier of four or five times as it spreads through the economy, we are looking at an impact of somewhat in the neighborhood of \$1 billion.

Additionally, of course, if we project this, we are looking at another \$200 million worth of fishing vessels that are coming on stream, are now shipyard orders or are presently under construction. They will also provide both jobs and dollar support to our ancillary industries.

Senator STEVENS. Very good. I was standing on the dock in Cordova, Alaska and saw one of your tuna ships offloading some halibut. It was very interesting. I had never seen any of the tuna clippers up there before, but we know they are very fine vessels.

And I think you have made a substantial point in terms of the economic impact of your industry on the country. There is no question about it.

We will print your statement in full in the record if you don't mind, Mr. Broadhead, and proceed now to the other witnesses.

[The statement follows:]

STATEMENT OF GORDON BROADHEAD, PRESIDENT OF LIVING MARINE RESOURCES, INC.

My name is Gordon Broadhead and I am President of Living Marine Resources, Inc., a San Diego-based marine science and fisheries consulting firm. Our senior staff has been associated with both research and business-oriented activities in fisheries and the tuna industry for the past 20 years. Recently we have examined the Financial Assistance Programs of National Marine Fisheries Service, produced five economic studies for the Food and Agriculture Organization of the United Nations and served as consultants in fishery matters to United Nations Development Programme, Asian Development Bank, National Marine Fisheries Service, U.S. Department of State, several Wall Street investment firms, commercial banks and many United States and international industrial fishing and processing concerns. I presently serve as an advisor to National Science Foundation on two technical committees and as an industry advisor to the U.S. Commissioners of the Inter-American Tropical Tuna Commission. During 1973, LMR derived 20 percent of its gross revenue from the tuna industry.

We have been retained by the United States tuna producers and processors to prepare and present information on the economic impact of S-1988 on the tuna industry and the local and national economy of the United States and its territories.

My testimony will emphasize that the tuna industry is a large, healthy and growing segment of the United States economy and that tuna, together with shrimp, provide the rare examples among the major world fisheries, where the United States has a clear lead in fishing, processing and marketing technology and in marine research. The following statement will delineate the flow of dollars and employment created at three levels; the vessels and their supporting infrastructure, the processors and their allied suppliers and the United States consumer who purchases more than \$1 billion worth of tuna yearly and ultimately pay the industry bills.

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A number of representatives from the many segments of tuna operations and supporting industries have already presented testimony to the Committee indicating that S-1988, if implemented, will have a crippling effect upon the United States tuna industry as we know it today, a serious secondary impact upon supporting industries and a heavy cost burden upon United States consumers of canned tuna. The purpose of my testimony today is to provide an economic yardstick for measurement of the extent of this damage as a result of passage of S-1988 and of the subsequent United States domestic and foreign action that will inevitably follow.

Testimony to the Committee by Mr. Felando, American Tunaboat Association; Mr. Carry Tuna Research Foundation; Mr. Cary, Ocean Fisheries; Mr. Gann, Western Ocean Products; Mr. Hodgkins, National Marine Terminals; and Mrs. Zeluff, Women's Propeller Club of San Diego, to name a few, has highlighted the dimensions and scope of activities of the United States tuna fleet.

At present construction costs, the United States tuna fleets has a replacement value of just under \$500 million, partitioned by area and type of operation, as shown in the following table.

TABLE 1.--REPLACEMENT VALUE OF U.S. TUNA FLEET AS OF DECEMBER 1973

[At present construction costs (April 1974)--\$499,500,000]

Area	Long range	Short range *
U.S. west coast	\$211,000,000	\$140,000,000
Puerto Rico	143,000,000	
Hawaii		3,500,000
U.S. east coast		2,000,000

\* Trollers, baitboats and small purse-seiners.

During 1973 alone, there were 73 tuna vessels, with a value of \$66.1 million added to the fleet.

TABLE 2.--NUMBER, TYPE AND VALUE OF U.S. TUNA FLEET ADDITIONS DURING 1973

Type	Number	Value
Purse-Seiners	18	\$57,600,000
Baitboats	15	5,300,000
Trollers	40	3,200,000
Total	73	66,100,000

Based upon the present firm orders in United States yards, we anticipate that this level of tuna vessel construction will continue through 1976 and will add more than \$200 million in modern vessels to the fleet during this period.

The general health of an industry can be measured by examining the flow of capital into its various segments. Tuna vessels presently represent over 30 percent of the total replacement value of the entire United States fishing fleet. Tuna, shrimp and salmon vessels make up about 65 percent of the total value. More importantly, tuna and shrimp represent major growth industries. In a recent study of financing and the United States fisheries, sponsored by National Marine Fisheries Service, LMR, Inc. and Peat, Marwick, Mitchell and Co. reported that in the United States during 1972, 53 percent of all the dollars expended for new fishing vessels went into tuna, 32 percent into shrimp and 8 percent into the salmon fishing industries.

A recent update of these data indicated a similar percentage breakdown for 1973, the only additional major flow of capital being into the king crab fishery. During the past two years, the tuna industry has accounted for more than 50 percent of the dollar flow in fishing vessel construction and additionally, 40 percent went into shrimp and salmon. Thus, the three fisheries which will be impacted by extension of fisheries jurisdiction to 200 miles, accounted for more than 90 percent of the new capital flowing into United States fishing vessels in recent years.



These data also highlight that many of our United States fisheries have serious problems, as money does not flow into weak industries. We are not attempting to minimize the need for assistance to these sectors, but only that S-1988, in attempting to assist these needy segments, will seriously damage that portion of our fishing industry that is now in a healthy financial condition.

During 1973, United States shipyards constructed an estimated 72.5 million dollars worth of tuna vessels (\$66.1 million domestic and \$6.4 million for export). Of this amount, about \$36.0 million went to direct and indirect labor and social benefits for employees of the yards and their subcontractors. An additional \$6.4 million went to suppliers of steel, \$4.9 million to main engine manufacturers, \$5.1 million to net and fishing gear suppliers and \$8.0 million to suppliers of power blocks, winches, hydraulics, refrigeration units, electronics, auxiliary engines and generator equipment.

In 1973, the United States tuna fleet landed 544 million pounds of tuna,<sup>1</sup> worth \$135 million at the dock. Some \$14 million of this went to the albacore fleet and the remainder to the tropical tuna vessels. A major share, about \$65 million, of the total dollars went for crew wages and bonuses. Most of these dollars flowed into the economy of southern California, where many of the fishermen and their families reside. In addition, a myriad of manufacturing and supply and service firms shared in the fleet revenue. More than 20 fuel docks; in San Diego, San Pedro, Ponce, Mayaguez and San Juan; shared most of the \$11 million the fleet expended for fuel during 1973. Some ten shipyards shared nearly \$10 million in maintenance and repair support to the fleet, in addition to \$72.5 million in new vessel construction.

About ten provisioners shared the bulk of the \$5.4 million spent by the fleet for food during 1973. In addition, the fleet spent more than \$2 million on fishing gear, equipment and supplies during the year. Insurance firms received about \$8 million in premiums for hull, protection and indemnity and cargo insurance. This coverage was shared among many agents and reinsurers throughout the country. Lending institutions; commercial banks, insurance companies, finance companies and leasing companies received an estimated \$17.5 million in interest, rentals and service charges from the vessel owners during 1973. In all, an impressive number of people and jobs are directly related to the tuna fleet or their customers who compose the primary support elements. Our survey has indicated that the tuna fleet provided direct employment for about 6,800 people with a payroll of about \$65 million during 1973. In addition, shore support for the fleet, shipyard employees and their subcontractors provided about 5,000 additional jobs and a payroll of approximately \$48 million last year.

Economists project that each dollar of primary industry income results in fivefold impact on our nation's economy. Thus, in 1973 the tuna fleet support of \$135 million, combined with the new construction of \$72.5 million, a total of \$207.5 million, had an impact of over \$1 billion (multiple of five) on the United States economy. Obviously, the new construction portion of this figure cannot be expected to continue indefinitely (although we forecast a sustained rate through 1976) but the fleet operations, which comprise two-thirds of the total dollar volume represent a rapidly expanding economic base.

During 1973, the United States tuna processing industry packed \$714.5 million (at processor level) of canned tuna. In addition, the industry packed about \$33.4 million of tuna petfood and \$23.0 million of tuna fish meal, oil and solubles.

To do this volume of business, the industry has made substantial capital investments in tuna processing machinery and equipment and infrastructure. One large new processing plant was constructed in 1971 in Puerto Rico at a cost of \$10 million and a projected total of \$30 million will be invested in two new facilities at San Diego and American Samoa by 1975. Based upon this recent construction and on engineering projections for the two new facilities, a tuna cannery and all support facilities require about \$75,000 of capital investment for each ton of canning capacity per eight hour day of operation.

The tuna industry has presently the total plant capacity to process about 3,500 tons of raw material per day on a one-shift basis. Thus, replacement

<sup>1</sup> Including bonito.

value of all the United States tuna canning and support facilities can be estimated at \$274 million ( $\$75,000 \times 3,650$ ). During 1973 the tuna processors spent \$135 million for domestic-caught raw material. The transportation of import frozen tuna and the transshipment of domestic-caught fish via common carrier added substantially to the processing costs for canned tuna. During 1973, 413,000 tons of import tuna and 8,000 tons of transshipped fish were delivered to United States canners at an average cost of about \$100 per ton and a total cost of about \$42 million.

The tuna processing plants employed a total of about 16,000 people in administrative and factory tasks during 1973. Total payroll was in excess of \$90 million and this money went directly in the economic support of San Diego, San Pedro, Los Angeles harbor areas; Ponce and Mayaguez, Puerto Rico; American Samoa; Honolulu; Astoria, Oregon and Cambridge, Maryland. During the past year, the tuna processing industry spent about \$58 million for cans for tuna and petfood and an additional \$12 million for labels, cartons and vegetable oil.

The tuna processing industry in American Samoa depends almost entirely upon supplies of tuna from Korean and Taiwanese longline vessels fishing the south Pacific grounds. Figure 1 shows that practically the entire south Pacific tuna grounds would be encompassed by the extended jurisdiction of 200-mile zones around the many island areas. Enforcement of the fishing rights could eliminate this fishery or substantially raise operational costs and ultimately prices for raw material. In American Samoa, the tuna industry and support industries provide the major labor base for the area, aside from civil service, so that disruption of fishing in the south Pacific could result in job losses and/or increased costs to be passed along to the United States consumer.

Although the United States is sixth among the nations of the world in production of seafood, it is the world's premier market for many of the high value items such as shrimp, salmon, crab, lobster and tuna and a major market for bottomfish products and fish meal. The United States consumed 50 percent of the world supply of tuna during 1973 and the market has sustained a six percent annual rate of growth during the past ten years.

During 1973, canned tuna represented 74 percent of the value of all United States canned fish products for human consumption. Domestic production of tuna species was 40 percent by weight and 45 percent by value of the United States production of all edible fish.

The retail value of United States canned tuna usage during 1973 is estimated to have been in excess of \$1 billion. Projection of the historic rate of annual growth of 15 percent in sales dollars for the industry results in estimated retail value of canned tuna in the United States of \$1.78 billion by 1978 and \$3.66 billion by 1983. Thus, the tuna industry not only has major status at present but, together with shrimp, represents the principal areas for future growth of our seafood economy.

Forty percent of the United States market for canned tuna is supplied from domestic fishing activities. The United States is not self-sufficient in raw material for tuna canning, nor can it ever hope to be. However, the flow of domestic fish from the most efficient catching fleet in the world provides an efficient mechanism to moderate the price demands of foreign producers for frozen tuna. A rough parallel may be drawn between our need to control energy supplies and our need to control our sources of raw tuna. If our domestic fishing fleet is crippled economically and/or owners are forced to sell their vessels to foreign interests, we may well see raw tuna prices escalate to the multiples recently experienced in the oil industry. The retail value of canned tuna in the United States market exceeded \$1 billion during 1973 and it is entirely possible that such a rise could result in an additional price tag of one or two billion dollars per year to the American consumer on a continuing basis.

Even if we assume a less drastic outcome than loss of our tuna fleet, there will be a sharp increase in the costs of vessel operation as a result of establishment of 200-mile fishing zones. First, additional running time for United States vessels under a 200-mile concept for Pacific coast countries (see Figure 1) will result in substantial increases in fuel usage and loss of fishing time. Fuel, an \$11 million cost item in 1973, will about double to over \$20 million during 1974 due to fuel price increases. Even more costly, however, will be the effects of loss of fishing time and productivity due to increased travel.

Second, the present operational pattern of fishing, by geographic areas and season is the result of fleet experience concerning the productivity of the fishing grounds. Division of the oceans into a series of private national lakes will disrupt efficient fishing patterns for the United States fleet and for many of the foreign fleets, thus reducing fishing efficiency, while increasing operating costs. Tuna fishing is a highly leveraged enterprise, with fixed expenses (fuel, food, maintenance, repair, insurance and financing), which are little related to catches. Thus, any reduction in the yearly volume of tuna captured per vessel has a multiple effect upon the cost per ton of production.

Third, if we assume that many of the foreign countries will license vessels to fish within their 200-mile zone, such license fees will add sharply to vessel operating costs. In the past, license fees have been a minor cost item as most vessels, on the advice of the United States Department of State, have not purchased licenses to operate in waters beyond 12 miles of foreign shores. Currently, the United States fleet fishes in international waters off the shores of more than 25 nations bordering the eastern Pacific and Atlantic grounds. An individual vessel may fish in ten or more of these 200-mile zones each year. Ecuadorian license fees to fish in the 200-mile zone are about \$55,000 per trip for an 1,100 ton superseiner. Recognition of the 200-mile zone by the United States could add \$100,000-\$200,000 in operating costs per vessel, per year and make license fees equal to fuel costs which are presently the *single largest operating expense* aside from crew salaries.

The tuna industry provided direct employment for about 28,000 people and a total payroll in excess of \$200 million during 1973. What will be the impact of a 200-mile fishing zone on jobs and payroll levels in the industry? The initial impact will fall upon the vessel crewmen. Although highly skilled, they are very readily adapted to shore occupations. Those engaged in fleet support activities will also be affected immediately as there will be a reduction in business volume in these industries. As noted in Mrs. Zeluff's testimony, this will strike at the heart of small businesses in the several major areas in California, Puerto Rico and American Samoa.

We are entering an era of intense competition for the world surplus tuna resources. Presently, the United States has a major lead in purse-seine vessel construction and fishing technology. On the average, about 90 percent of the United States catches are made off foreign shores. During 1973, eight United States tuna vessels, valued at about \$4 million, were sold to foreign interests. All but one of these vessels were of the smaller and older type which cannot compete, under United States flag, with the new super-seiners. Just recently, there has been foreign interest in the purchase of used United States super-seiners and an acceleration in construction of new vessels of this type in both the United States and foreign shipyards. Mexico, Ecuador, Peru, Cuba, France, Spain and Japan, to name a few, have publicly announced programs for major expansion of their surface tuna fishing fleets. Longline fishing for deep-swimming tunas is well developed and dominated by Japan, Korea and Taiwan vessels.

The effects upon employment and total payroll in the canning segment of the industry and its support business are more difficult to analyze. Nevertheless, it is evident that loss of the domestic fleet would cause broad changes in the flow of raw material to the processing plants. The extent of the resulting economic dislocation cannot be assessed at this time, but certainly the fallout would be unfavorable to the industry and its entire economic and social base.

Limitations in access to straits or free passage for merchant ships, which result from a 200-mile regime, could add substantially to these transportation costs. Foreign flag vessels cannot unload in the continental United States, Puerto Rico or Hawaii and loss of all or a portion of the United States fleet to foreign interests would increase the tonnage of imported frozen tuna, add further to processing costs and adversely affect our foreign exchange.

In summary, let me emphasize that the United States tuna industry and its first line of support industries represent an important local and national economic element in our fishing industry.

United States fisheries have the false image of an obsolete group of small vessels manned by an old and fading group of fishermen. Nothing could be further from the truth. Our modern fleet of super-seiners represents an efficient and prestigious element in world fishing circles unmatched by the Soviets,

Japan or any of the other major fishing nations. Our vessel designs and fishing technology are copied everywhere. The passage of S-1988 will be the first step toward the loss of this fleet, through sales and flag changes, to our developing neighbors who will control the tuna grounds. Their plans and national goals are in the public record.

The United States tuna industry employed about 28,000 people and had a total payroll of over \$200 million last year. Eighty percent of the United States households used over \$1 billion worth of canned tuna in 1973 and two-thirds of the United States housewives purchase tuna on a regular monthly basis. The market is growing at a rate of six percent in volume and 15 percent in dollar sales annually. If the United States loses control of its raw material supply, we will surely see a massive escalation in the cost of canned tuna to the consumer which could add billions of dollars to our food bill and hundreds of millions to our balance in foreign trade each year.

United States coastal fisheries need and deserve assistance and protection. However, the economic trade-offs which will result from the United States support of 200-mile fisheries jurisdiction, strongly indicate that S-1988 is not the answer.

Senator STEVENS. Mr. Carry.

Mr. CARRY. Thank you, sir. I think it will be useful to read all of Mr. Broadhead's statement. There are a lot of pieces of economic information in there that have not previously been accumulated and made available publicly, as it were, through testimony in the hearings.

But I will then proceed with my testimony.

In San Diego I stressed the fact that our opposition to S. 1988 was based on three major points:

One, it is legislation which discriminates against the tuna fishery;

Two, it is unenforceable; and

Three, it is contrary to the best interests of the world fisheries.

We feel it is discriminatory because of the migratory nature of the tuna fishery, but your record is replete with testimony on that subject, so I would prefer to apply myself to a discussion as to the real necessity for S. 1988 and what it purports to encompass.

The principal proponents of S. 1988 have charged massive depletions of our coastal fisheries and we believe much misinformation has been offered—perhaps by well-meaning persons—both on that subject and others pertaining to the fishing industry.

But what are the facts?

At this point, I ask your indulgence to reemphasize the fact that 77 to 80 percent of our nation's total commercial landings of fish and shellfish have been taken within our present 12-mile zone during the past 3 years.

A chart based on National Marine Fisheries Service Statistics which was submitted to Senator Tunney for your record during my San Diego appearance attests to the fact that last year only 10 percent of our coastal fishery landings occurred at distances greater than 12 miles from our shore.

And I think we have a chart over here that indicates the percentages.

The pink area at the top [indicating] indicates what has been taken within zero to 12 miles. The other is 12 miles out, and the other is off the coast of other countries.

So in the past 3 years, the only years for which this information has been accumulated, it is obvious 77 to 80 percent of the total fish catch has been taken within 12 miles. Therefore, it seems that that part of the industry ought to be in pretty good shape.

Also in your record—and I refer to appendix C presented during my prior testimony—are the numerical facts which show the constancy of the commercial landings by U.S. fishing craft for the past three years.

In 1971, total U.S. landings amounted to 4,969,000,000-plus pounds. Of this, 3,950,425,000 pounds were caught within 12 miles of our coasts.

In 1972 our total fish and shellfish catch was 4,894,000,000 pounds. Of that, 3,511,000,000-plus pounds were taken within 12 miles of our coasts.

In 1973, the total fish catch was 4,926,000,000 pounds, and of that, 3,776,843,000 pounds were taken within 12 miles.

I wish to stress once more that within the 10-year span from 1961 to 1970, our total U.S. fish catch averaged 4,408,400,000 pounds. And last year's catch was 500,000,000 pounds above that 10-year average. Now, one can hardly note the depreciation that has been alluded to by previous witnesses before this committee.

Additional misinformation has been supplied you, and with all due respect I would like to make note of Senator Magnuson's comment at the Bellingham hearing of February 11, 1974, when he referred to the disappearance of the Atlantic tuna as a result of a "loose treaty."

I would like to refer to Senator Magnuson's remarks in the Bellingham hearing of February 11.

The facts are that the tuna in the Atlantic have not disappeared. The facts are that there is a serious problem with bluefin tuna. We in the tuna industry agree there is a serious problem with bluefin tuna, but in terms of the yellowfin tuna, also caught in the Atlantic, the total catch last year was in the order of 105,000 metric tons, the greatest catch in the Atlantic ever made. And of that our fleet caught perhaps 25 to 30 thousand tons, our own domestic fleet.

There is little question that a problem exists with regard to the Atlantic bluefin tuna, and it may well be that the resolution adopted by the International Game Fish Association as reported in the Long Island Press of April 22—appendix A of my statement—is a step in the right direction.

The resolution called upon sport fishermen and women to reduce substantially the taking of bluefin tuna of all sizes. It also advocated that anglers tag and release Atlantic bluefin tuna hooked, whenever possible, and opposed the practice whereby anglers use the guise of sport fishing to catch bluefin tuna with the premeditated purpose of selling the fish for personal gain.

Now, we all know there is a lot of that that has been going on in the last few years. There has been a lot of so-called sports catch bluefin sold, and it ultimately ends up in Japan. It doesn't come to our canneries. Our canneries get their fish from the commercial

fleet, which consists of three vessels, catching between 1,500 and 2,000 tons of fish a year.

This concern for the future of Atlantic bluefin tuna, Mr. Chairman, is shared by the tuna industry. But we do not feel that this fish can be protected by imposing a 200-mile limit off U.S. shores. You can not fence tuna in. As has been shown time and time again, tuna is a highly migratory fish.

As an indication, I would like to present for your examination at this time exhibit 1, which is a global map prepared by the United States Department of State. The shaded areas are a projection of 200-mile fishing zones off the coastline of all nations.

An overlay indicates the migrations of the Atlantic bluefin as depicted by tag returns, and the second overlay in red indicates where bluefin are caught. Many, as you will note, are well outside a 200-mile zone, and most are off the shores of other countries.

That beige area on the map is the area that would be included within the 200 miles if there was a universal 200-mile limit.

I would like also to mention while we are at it, in connection with bluefin, that there is now an overlay on the chart. That can illustrate the areas here bluefin are caught. It will be noted that bluefin are caught both within and without 200 miles. Therefore, no unilateral action by the United States can ever hope to protect the bluefin tuna. It is not only caught within 200 miles of our coast, but off the coast of South America, Africa, the Bay of Biscay, and other areas around the world.

We have another overlay I would like to show you that indicates the migratory habits of the bluefin tuna. Those black lines indicate those tagged generally in the area near Florida, some recovered off the coast of Brazil, some recovered in the Mediterranean, some in the Caspian Sea. This indicates the wide-ranging nature of the bluefin and why it is practically impossible to manage a species of this sort without international cooperation.

Now, unfortunately I did not make charts of this material to submit to the committee. However, these data, the data on the two overlays, are contained in the transcript of the hearing of December 6, 1973, in that portion of the record containing a statement by Mr. Frank Mather from the Woods Hole Oceanographic Institution.

To return to the matter of misinformation which has been supplied to your committee—and also the lack of facts—I would like to call your attention to testimony which I heard before Senator Tunney in San Diego last week. I refer to the appearance of one Herbert R. Kameon, purportedly representing sport fishermen.

Mr. Kameon asserted in your record that Dr. Francis N. Clark, a well-known California scientist, while a consultant to Ecuador and Peru was the source for originating the 200-mile offshore fishery jurisdiction.

The fact is that Dr. Clark, in a letter to one of my assistant executive directors, received April 22, firmly and absolutely disclaims this statement. I refer to appendix B, which states in part that in so far as the reference to her by Mr. Kameon was concerned, it was "incorrect."

Dr. Clark wrote:

I served as a consultant to the Peruvian government but not Ecuador \* \* \* While in Peru I urged the establishment of total bag limits on the anchoveta fishery . . . my idea got nowhere. I did not recommend the zone . . . the discussion of a 200-mile limit was not in my scope of work with Peru. Informally, I argued against it. Times change and now I am credited with being the mother of the 200-mile offshore limit . . . I may have conceived many questionable babies, but not that one.

Now, it is not my purpose here to indulge in nitpicking with previous witnesses who happen to disagree with my position, but I do not think it right and proper for your record to show an unbalanced and undocumented plethora of material which is weighed to unfairly influence this committee.

One example: Mr. Kameon, in his San Diego testimony supporting S. 1988, attempts to evaluate the monetary importance of sport fishing against commercial fishing. He testified that the value of the coastal sport fishery in the U.S., when all factors were considered, hit the mark between \$4.5 billion and \$5 billion annually. And he points to the total commercial U.S. fleet landing figures of 1972 as \$765.5 million.

In his attempt to weight his \$4.5 billion coastal sports fishery worth—and he offers no documentation of this, mind you—against the U.S. catch value, this witness lost sight, perhaps with reason, of the real total values to our economy of the U.S. commercial fishing industry. If he wants to, as he did, include all the soup and nuts of coastal sport fishery in his \$4.5 billion estimate—boats, slip fees, rods, reels, hooks and bait, not to forget Hopkins lures and the like—that is something I don't know anything about—then he and this committee must take into account figures such as provided by Mr. Broadhead which just showed you the extent of the tuna fishing industry economics but could be multiplied to the multi-billions if you included all U.S. fleet fisheries.

As a matter of fact, his figure include such things as motel bills and beer, which we never include. Our fishermen do drink beer, incidentally, occasionally.

Other sport fishing interests have appeared before this committee in support of S. 1988, and we have examined testimony as well as additional articles, letters, and statements placed in your record. Frankly, Mr. Chairman and members of the committee, while the intent of many of these witnesses might have been commendable, the lack of statistical information offered was deplorable.

We have no quarrel with recreational fishermen. As a matter of fact, many of our tuna fishermen—like the mailman who takes a walk on his day off, or the sailor who goes rowing in Central Park—go sport fishing when they are not out on a tuna clipper, and many people engaged in our industry are recreational fishermen.

But we are concerned with facts, and assert that a 200-mile zone would knock the California albacore sport fisherman right out of the box. How? Because if Mexico were to reciprocate with a 200-mile limit, should S. 1988 become law, then our California coastal recreation fisherman would be excluded from the productive albacore areas within 200 miles of the Mexican coast. And believe me, gentle-

men, that is a very important thing to the sports fishermen in California, that albacore fishery off the Mexican coast.

Gentlemen, how badly has our east coast sport fishing been crippled? We ask you to review a randomly selected quartet of newspaper clippings of fishing columns from major newspapers published in New Jersey.

Summing up their content, we find in appendix C that the *Asbury Park Evening Press* of September 30, 1972 stated, "Giant Tuna Should Remain," in a headline, while the body copy of this fishing story read, in part:

Possibly a score of giants—tuna—have been boated since the heavy action started late in the summer, most of it centered near the BA Buoy eight miles off Sea Bright. However, several hundred have been lost. They have simply been too big to handle.

The story went on to say:

The Hudson Canyon has produced memorable results this season. A new world record Atlantic bigeye tuna weighing 321½ pounds was caught there.

And that, by the way, is another species that is still in plentiful supply in the Atlantic, the bigeye tuna.

And in the same story it was reported out of Greenport, N.Y., that hauls of bluefish up to 15 pounds were being taken from Long Island Sound and Plum Gut, with the proprietor of the Port of Egypt Fishing Station stating all signs pointed to record catches during the Greenport Aquaseum Fishing Tournament on October 13, 14, and 15, 1972.

Then we look at an article—appendix D—from the same newspaper by Henry Schaefer, the dean of New Jersey outdoor writers and an expert in his field. On September 24, 1973, he wrote:

Giant bluefish in an area two and a half miles east of the bell buoy marking the eastern edge of the Shrewsbury Rocks were fished by an estimated 200 boats in good sea and weather conditions yesterday. Many of the boats reported excellent catches.

The writer goes on to report that individual catches ran up to 20 fish weighing 10 to 18 pounds apiece.

Not bad fishing?

Then this year, earlier this month, in the *Newark Star Ledger*, published in the State's largest city, Newark, N.J., another veteran outdoor writer, Bob Duffy, noted good catches of cod, whiting, ling, and flounder. Details are included in appendix E, but we particularly call to your attention the paragraph which refers to anglers "lugging 5-gallon pails, 10-gallon tubs, ice chests, and three-quarter sacks of fish" off the boats at Atlantic Highlands.

Two days ago, on April 24, Mr. Duffy entered a firsthand report on the presence of Atlantic mackerel, which some of our previous recreational fishermen witnesses have claimed are endangered. I refer to appendix F.

In this column, Mr. Duffy tells of fishing on the party boat *Miss Tambo* out of Brielle, N.J., 5 miles off the beach. After providing the reader with fishing techniques guaranteed to catch mackerel, he reports that he had filled a burlap sack in addition to a 10-gallon tub, and that the boat's skipper, Ed Keefe, took a "quick look at



the tally at the rail and said we had better get back to the dock before the boat was swamped with fish \* \* \* the entire length of the rail was packed solid with bags and tubs of fish. The *Miss Tambo* looked like the Fulton Fish Market on a busy day. This is a mackerel run which only started last Thursday (April 18)."

And, Mr. Duffy concludes, "It was a massacre."

Now, gentlemen, does that sound like depletion of a species?

A final point on this subject.

I call your attention to the May edition of the Salt Water Sportsman, an outstanding publication for recreational coastal fishermen, and an article therein Pete McLain, another veteran outdoorsman. Writing about another east coast fishing territory, Wachapreague, Va., Mr. McLain tells how these waters have been fished for fluke—summer flounder—channel bass, black drum, bluefish, dolphin, billfish, and so forth since 1903. But what about Memorial Day, 1973? Mr. McLain, specifically writing about fluke, reports, "Usually the charters will all come in with from 50 to 200 fluke per boat, and they average about five anglers per charter."

That means, of course, anywhere from 10 to 40 fish per sport fisherman. Not bad fishing there in Virginia, either.

Well, we hope we've provided you with another insight into the situation with regard to our recreational fishery and how it's doing. There are just a couple of more points we'd like to make and then we'll terminate this supplementary to our San Diego testimony and offer our availability to this committee for questions.

On misinformation again, may we refer to the testimony of Mr. J. Steele Culbertson, director of the National Fish Meal and Oil Association, who on December 6, 1973 alleged that river herring have fallen under the pressure of the foreign fishing fleets \* \* \* as a result, the average annual catch in Chesapeake Bay within the past 5 to 6 years has declined from 22-30 million pounds to 6-8 million.

In response, I point to the January edition of the *Reader's Digest* which, in an article entitled, "At the Rate We're Going, It's Good-bye Fish," reported that the Surry nuclear plant in the James estuary downriver from Richmond had killed 156,000 fish, mainly blueback herring, in two days in 1972. The Digest also stated further than an investigation by biologists of the Atomic Energy Commission, which licensed the Virginia Electric and Power Co. plant, estimated that the Surry facility may have killed as many as 6 million blueback herring in only 3 months of operation.

"The Surry plant is hardly the only threat to the Chesapeake of the rich east coast ecosystem," the Digest continued. "It is merely one of 144 power plants operating or proposed on the estuaries and coastlines of the eastern United States."

I submit, gentlemen, there is more to our fishing problems than overfishing.

In this presentation we wish to reemphasize our concern for the continued well-being of all facets of U.S. fisheries—coastal, recreational, anadromous, and high seas. We are opposed to over-fishing of any species, regardless of who is responsible—foreign fleets or our own fisheries.

But we continue to maintain that S. 1988 is not the solution to the problem of obtaining the maximum sustainable yield of protein food from our seas.

Viable and workable instruments exist to do that job—mechanisms provided by the 1958 Geneva Fisheries Convention, by the Truman proclamation of 1945, the latter of which has been mentioned by previous witnesses as offering justification for a 200-mile limit. But those references have been to the Continental Shelf. The Truman proclamation that does have bearing on fisheries, as we are concerned with them, was that which proposed techniques for managing the fisheries—those of which we are the sole harvesters and those where more than one nation harvests the resources. For the record, I submit unofficial copies of both proclamations.

I tried to make a point in San Diego about the unenforceability of S. 1988, and I note that in San Francisco, the day after I testified, Senator Tunney heard Vice Admiral Mark A. Whalen, Commander of the Pacific Area, 12th Coast Guard District, on the subject of enforcement and S. 1988.

If I remember, Senator Tunney said his estimate is he needs six additional cutters and it will cost several million dollars to properly enforce the area within his jurisdiction. When we extend that around the entire perimeter of the United States and take in Puerto Rico, the Virgin Islands, and American Samoa, the cost of enforcement would be in the billions.

We would be much wiser to take that money we are talking about just throwing away on enforcement and help the fishermen who are really in trouble, those who operate on species such as halibut, such as Pacific Ocean perch, such as haddock in New England—do something to help them upgrade their equipment, help them become better able to use scientific and sophisticated gear that is now available. That is where we ought to be putting the money, not into enforcement, not into trying to build a wall or fence. Let's just put it into those things which would be constructive and help the economy.

Because here we are dealing, as I am sure you gentlemen realize, with new wealth. This isn't like shoveling in chips in a game of poker. We are producing new wealth out of the ocean and can continue to do it year after year into perpetuity if only we learn to manage wisely.

You heard what was said before about the world fisheries being either mismanaged or not managed at all, and that is quite correct. But if we would do some of the things that are needed in our own fisheries, we would be helping instead of hurting the economy of the country. We are just throwing away billions of dollars on enforcement, taking it out of the pockets of the taxpayers and, in effect, dumping it into the ocean.

I think I will end at this point. You know my views. We are vigorously opposed to the legislation. We believe it would destroy the tuna industry as it now exists, and it is without doubt one of the two most profitable and viable fishing industries in the United States.

Thank you for listening to me and for letting me run over my time.

I think Mr. Felando would like to speak now, unless you have some questions, gentlemen.

Senator TUNNEY. Thank you very much.

I would just like to say I appreciate the fact that in the statement you gave here you specifically referenced those points that came out in our hearing in California last week, and that you did supply to the committee the economic data that I asked for. I know that was a herculean task, to do that in such a short period of time to be prepared for this meeting today.

And speaking for myself, and I know for other members of the committee, I am very appreciative that you took that time and that you made that effort, because it is very helpful.

Mr. CARRY. I might say on that point, Senator Tunney, we intend to expand the economic data we have collected up to now and give you a better fix on what it means, not only in terms of the fleet and the fleet's operations, but what it means in terms of our shoreside facilities, the canneries, and the effects on the distribution chain and things of that sort. These will be forthcoming.

Just when, I can't predict at this moment. If we don't get them finished by the time the committee has closed the record, we will try to submit them to the House where they will still be equally available to the members of this committee and of the Senate.

Senator TUNNEY. Thank you.

Senator STEVENS. Thank you very much.

Off the record.

[Discussion off the record.]

[The attachments referred to follow:]

[From the Long Island Press, Jamaica, N.Y., Apr. 22, 1974]

#### URGE BLUEFISH TUNA LAW

(By Frank Keating)

In urging that the government get behind a conservation program to save the over-fished bluefish tuna from the "threat of economic extinction," the International Game Fish Association in its annual meeting, also outlined the angler's responsibilities in conserving the schools of fish.

The resolution adopted by the Board of Trustees said:

"Whereas sport fishermen and women must demonstrate their good faith regarding conservation of diminishing gamefish species if they wish to have a voice in national and international fishery management decisions; and

"Whereas marine anglers have the ability and resources to contribute to the scientific data so vitally needed as a basis for strengthened and rational fishery management regulations at national and international levels:

"Now, therefore, be it resolved that the Board of Trustees and Officers of the International Game Fish Association herewith unanimously urge anglers throughout the Atlantic Ocean to substantially reduce the killing of bluefin tuna of all sizes in their sport fishing activities.

"Be it further resolved that the IGFA Officers and Trustees strongly advocate that anglers tag and release Atlantic bluefin tuna hooked whenever possible.

"Be it further resolved that IGFA's Trustees and Officers are firmly opposed to the practice whereby anglers use the guise of sport fishing to catch bluefin tuna with the premeditated purpose of selling the fish for personal gain."

Latest among the Island's clubs to support the IGFA in its resolve to save the tuna is the Atlantic Beach Rod and Gun Club. President Marty Feuer told us that the club voted at its recent general membership meeting to cancel the annual club tuna tournament scheduled for August. In addition, tuna will

be removed from the list of competition species in the annual July Fishing Rodeo.

TUNA RESEARCH FOUNDATION,  
La Jolla, Calif., April 22, 1974.

Mr. DOYLE E. GATES,  
Tuna Research Foundation Inc.,  
Terminal Island, Calif.

DEAR DOYLE: Yes, I had heard that you had changed jobs and it is good to hear that you are settled in and liking your new work. I am sure there are no dull moments.

The statement on pages 1 and 2 of Herbert R. Kameon's presentation to the Senate Committee is incorrect in several points.

I served as a consultant to the Peruvian government but not to Ecuador, and was in Peru January 1 through June 30, 1954. While there I urged the establishment of a total bag limit on the anchoveta fishery, as I felt this was the most constructive way to control that fishery. As you well know my idea got no where.

I did not recommend the establishment of an extensive fishing zone to prevent uncontrolled exploitation, and the 200 mile limit was beginning to be a hot issue at that time. Discussion of such a limit was not in my scope of work with Peru. Informally I argued against it since Peru was not then harvesting its offshore fisheries and had inadequate facilities for enforcing such a restriction.

Times change and now I am credited with being the mother of the "200 mile off-shore limit." I may have conceived many questionable babies but not that one.

I hope the above statements will be of help to you. If you wish you can reach me by telephone 714-454-2151 extension 342.

Best wishes.

Sincerely,

FRANCES N. CLARK.

[From the Asbury Park Evening Press, Saturday, Sept. 30, 1972.]

#### GIANT TUNA SHOULD REMAIN

(By Henry Schaefer)

The northeaster which idled most of the north Jersey shore fishing boats yesterday is expected to have little or no lasting effect on giant tuna fishing in the Mud Hole area.

Last week's blow apparently sent most of the smaller tuna off for parts unknown, but the big torpedoes remained.

Possibly a score of giants have been boated since the heavy action started late in the summer, most of it centered near the BA Buoy eight miles off Sea Bright. However, it is safe to say that several hundred have been lost.

They have simply been too big to handle.

\* \* \*

Capt. Joe Renzo of the Blackfin, Highlands, aboard whose boat the season record fish of 625 pounds was taken on Sept. 18, reported losing three monsters Wednesday. One of them escaped when the spool split on his 14-0 reel.

Renzo's boat has accounted for two other giants this season. One weighed 440 and the other 480 pounds.

Louis A Spera of Madison caught a 358 pounder on the Sportsman III out of Briell, Tuesday; and Joe Horvath of Philadelphia got a 406 pounder on the 'Ol Salty II' out of Belmar, Thursday. A 300 pounder was caught on that boat earlier in the season.

Joseph Farina of Phillipsburg hooked a 201-pound yellowfin tuna on the Super Cat, catamaran, in the Hudson Canyon, Wednesday. Five anglers took turns fighting the fish before it was boated after an hour and a half.

About a dozen other tuna were hooked and lost on the boat that day.

\* \* \*

The Hudson Canyon has produced memorable catches this season.

A new world record Atlantic bigeye tuna weighing 321¾ pounds was caught there on Aug. 19 by Vito Lo Caputo of Staten Island fishing aboard the private boat Trio out of Great Kills, Staten Island.

Lo Caputo has filed world record claims with the International Game Fish Association, Fort Lauderdale, Fla. the former record is for a 295 pound Atlantic bigeye caught in 1960 by Dr. Arsenio Cordeiro out of San Miguel, Azores, Portugal.

\* \* \*

The New Jersey record bluefin tuna weighed 787 pounds. It was caught in 1951 by Ray Fromm of Lavallette.

Fromm's giant was taken near the end of a 15-year period of excellent giant tuna fishing off the New Jersey Shore. The former Newark News awarded a trophy cup each year for the largest tuna taken by sport fishing.

The first award was in 1937 when Maurice E. Hoffman of Woodhaven, N.Y., caught a 539 pounder. Ralph E. Draper, Red Bank, won in 1938 with a 686 pounder.

Others were:

Aaron E. Carpenter, Point Pleasant, 590 pounds; John K. Roessner, Union, 155; Thomas J. Barrett, Bordentown, 168; Albert H. Reese, Lawrenceville, 240½; Warren W. Cope, Bethlehem, Pa., 658; William B. Williams, Dunellen, 539¼; Maurice C. Meyer, Long Branch, 480½; and James Boylan, Newark, 558.

\* \* \*

For many years the U.S. Atlantic Tuna Tournament was staged off the New Jersey coast but moved into New York and New England waters when giant tuna became scarce off our shores.

However, there isn't any doubt, the giants are back with us again.

Jamaica II, Brielle, reported a good catch of bluefish taken chumming on the Klondike yesterday. Paramount reported a fair catch of sea bass.

Greenport, N.Y.—Hauls of bluefish up to 15 pounds taken from The Race in Long Island Sound and Plum Gut are being reported by fishing stations here. Last week one boat came in with over 160 blues from the Gut. Striped bass are also beginning to show up and schools are expected to be reported within the next few weeks. According to Bill Lleblein, proprietor of the Port of Egypt fishing station, all signs point towards record catches during the Greenport Aquaseum Fishing Tournament on October 13, 14 and 15.

The Aquaseum, a \$10 million aquarium-museum building complex proposed for a waterfront site in this Down East historic fishing village, is sponsoring this, the first fishing tourney for this area. Chartered as a non-profit educational organization, the Aquaseum will house marine and mariculture exhibits for the general public; laboratories and instruction rooms for student research and study groups from the Eastern Long Island College and High Schools. Proceeds from the tournament are for the benefit of the Aquaseum.

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[From the Asbury Park Evening Press, Monday, Sept. 24, 1973.]

#### GIANT BLUES HIT OFF THE ROCKS

(By Henry Schaefer)

Giant Bluefish in an area two and a half miles east of the bell buoy marking the eastern edge of the Shrewsbury Rocks were fished by an estimated 200 boats in good sea and weather conditions yesterday.

Many of the boats reported excellent catches. Capt Whitey Morenz of the Miss Take II, Highlands, said his individual catches ran up to 20 fish. He said they weighed from 10 to 18 pounds apiece. An identical report came from Capt. Pete Saro of the Spray III out of Belmar.

The good fishing yesterday was in direct contrast to Saturday when the 30 to 35 knot southeast wind made for almost impossible conditions.

Capt. Ralph Pennel of the Cock Robin, Point Pleasant Beach, reported his high man yesterday had 33 bluefish. He too reported an excellent day.

\* \* \*

Capt. John Larson of the Miss Barnegat Light, Barnegat Light, reported good chumming both Saturday and yesterday on Barnegat Ridge. He said the blues weighed six to 10 pounds apiece.

Many trolling boats yesterday scored good catches of Albacore. Manasquan Ridge and a large area inside of Barnegat Ridge produced well. School tuna and bonito were scarce.

Capt. Lou Puskas of the Gra Cee III, Barnegat Light, reported a 53-pound wahoo caught on his boat in the Hudson Canyon, Saturday. A very large fish, believed to have been a blue marlin, was lost.

Ben Goresos of Edison was high man on the Spray II out of Belmar with 26 fluke. Capt. Fred Kern reported he located a patch of fluke a mile and a half off the Long Branch Pier. He said they weighed up to seven pounds apiece. Phil Gartner of Farmingdale was credited with 18 fluke and Mike Pepperidge of Wall Township caught 15.

\* \* \*

Best striped bass catch reports over the weekend came from the Sandy Hook through Monmouth Beach stretch, nearly all of the action taking place during the night, at daybreak and again at dusk.

Chris Pellegrinelli of Lincroft, Middletown Township, caught a 36½ pound striper in the surf, Saturday. He weighed the fish at Giglio's bait and tackle shop in Sea Bright.

Don Bresney of Teaneck, fishing with sandworm bait at night, caught his limit of 10 stripers. Roy Parker of New Shrewshury caught three stripers up to 17½ pounds and Frank Coleman of Middletown caught two up to 21½ pounds.

Edward Schreiber of Middletown caught six stripers, the largest weighing nine and a half pounds. Sam Watson of Long Branch caught a 24½ pounder and Bill Steadman of Colts Neck got one weighing 17½ pounds. Ron Florke of New Shrewshury caught two stripers, the larger weighing 12 pounds. Ted Manhire of Jackson Township caught an 11½ pounder and Richard Malle of Fair Haven caught four stripers.

\* \* \*

Popping and swimming plugs accounted for most of the striped bass taken during daylight. Most of the fish at night were caught on sandworms.

Doug Finley of Brick Township, fishing in Sandy Hook waters with live mosshunkers Saturday, caught three striped bass weighing 18, 22 and 22½ pounds. The fish were weighed at Julian's Sport Shop, Atlantic Highlands.

John Hays of Middletown got a 10-pound bluefish. John Corcoran of Matawan got one weighing 10¾ pounds. They fished from a car top boat.

Vince Garaldi of Middletown caught a 15½-pound striped bass in the surf on a plug, Saturday.

\* \* \*

Biggest recent excitement at Island Beach State Park came Friday when jumbo bluefish hit the surf. Joseph De Mint of Trenton got one weighing 15 pounds and 12 ounces. It was weighed at Judy and Bill's tackle shop in Seaside Park.

Lou Alfonso of Toms River caught a 15¼-pound bluefish and Eddle Applegate of Trenton got one of 14¼.

All of the bluefish were reported caught on mullet.

Some striped bass were taken in the park over the weekend but blues were scarce.

There was a flurry of striped bass surf and jetty fishing in the Bradley Beach through Spring Lake stretch early yesterday morning. The fish were small.

Quite a few fluke, porgies and snapper bluefish were taken by casters in Shark River inlet during the day.

[From the Newark Ledger, Newark, New Jersey, Apr., 1974.]

#### ANGLERS LAND BIG COD AT JERSEY SHORE BASINS

(By Bob Duffy)

Cod weighing 62 and 51 pounds were both caught the same day out of Jersey Shore fishing basins. It has been quite a while since this happened. The two arm-weary anglers were George Hicks of Burlington, and Collin Rogers of Newark.

Hicks boated his monster while fishing a 60-mile wreck of the Thumper III, out of Barnegat Light. It was the biggest cod brought in since the special trip runs started this season.

The 51 pounder caught by Rogers was a major surprise. He was fishing for whiting at the Buffer Buoy on the Super Cat, out of Atlantic Highlands. This monster was weighed in at Frank's Boats. In addition to the cod, Rogers also caught 61 whiting. Talk about hitting a bonanza, this was some catch.

\* \* \*

The Jamaica, Brielle, was at the Hudson Canyon and radloed in the catch. The transmission was somewhat garbled but we believed Carl Betz of Bound Brook, caught a tile fish which weighed over 50 pounds.

The Jersey Shore fishing front came to life suddenly, yesterday. Whiting fishing spurted first at the Buffer Buoy on Saturday but yesterday the whiting were caught up and down the line from the Buffer Buoy on south along the edge of the Mud Hole to a deep hole or slough lying off shore of the Manasquan Ridge.

We were at the Atlantic Highlands Municipal Harbor yesterday when the big whiting fleet pulled in at the dock. The fleet fished at anchor in deep water and some anglers did better than others.

Among anglers lugging five-gallon pails, 10-gallon tubs, ice chests and three-quarter sacks of fish off the Atlantic Highlands fleet were Roger Hagen, Somerville, Clyde Hall, East Orange, Scotch Plains anglers Bud Clark and Billy Deskins, Joe Barbiero, Paterson, Dodle Farr, Matawan, and Frank Meravi, Belford.

Meravi caught one whiting which was estimated at five pounds. We saw quite a few jumbo whiting on the dock which would go three pounds easily.

Further south, whiting fishing was quite good. Joe Galluccio, skipper of the Sea King, Belmar, said the whiting were clobbered on his boat while another big catch came in on the Dauntless II, Point Pleasant.

The Dauntless II catch also was 40 per cent ling. Flounder fishing was quite good, excellent catches being reported on the Bulwark II, Forked River, Norma K II, Point Pleasant, and on the Paramount II, Brielle.

Particularly big flounder were caught on the Bulwark II which remained out all day. The bulk of the catch averaged one pound with the pool winner at 1¾ pounds. We saw two excellent flounder rowboat catches brought in at Frank's Boats, Atlantic Highlands. These were made by Art Natellip, John Casey and John Casey Jr., of Waldwick, Jim Dyer, Morris Plains, and Bob Mangello, Parsippany.

\* \* \*

Boston mackerel are moving closer. There was a big catch made yesterday morning at the Loran 3800 line which runs off the beach just south of Atlantic City. The fish were hit six miles out. The party boat fleet out of Barnegat Light will be mackerel fishing next weekend if not sooner.

Weekend boats Sea Pigeon, Perth Amboy, Palace II, Hoboken, Sea King and Lenny, Belmar, will be fishing on Friday. Ditto the half-day Seven Seas, out of Bahr's Pier 7, Highlands. The half-day Big Marie-S, and all-day Skipper will sail daily out of Balmar starting Wednesday. The Queen Mary is now sailing daily out of Spikes's Fishery, Point Pleasant. The Capt. Joe II, Belmar, will remain at the dock today and tomorrow and resume fishing Wednesday.

[From The Star-Ledger, Apr. 24, 1974.]

DIAMOND JIGS SPARK HEAVY MACKEREL RUN

(By Bob Duffy)

We made an underbanded flip with the rod tip which propelled the four-ounce diamond jig and three mackerel teasers some 25 feet straight out from the side of the boat. The lures hit the water and dropped five or six feet straight down. We then engaged the reel and made a half-hearted jig.

Immediately, we felt a sudden weight and knew we had hooked another bunch of mackerel. This cast made 23 in a row and one 10-gallon tub was almost full of macks.

On one side was Al Toliver, of Orange, with outdoor writer Jack Steele opposite him. Both were swinging triple headers over the rail. That's all it takes to keep a mackerel flurry going—three or four anglers fishing as fast as they can.

Mackerel are attracted to the flash of diamond jigs in the water. When there is a lot of flashing in one area the macks start flying. The trick is to unhook the fish fast and get the lures back in the water. This means no posing for pictures or downing a can of beer.

We were fishing on the party boat Miss Tambo which runs from Harbor Inn Dock, Brielle, with the party boats Diana and Sea Devil. This dock is easy to find, extending alongside the ferry.

The big mackerel fleet was fishing five miles off the beach just south of the Manasquan Ridge. Close by were the Belmar boats Spray III and Big Marie—S. Point Pleasant boats were tied up a half mile southwest.

Mackerel were now flopping out of the 10-gallon tub all over the deck. Skipper Ed Keefe came running with a burlap sack and we kept on fishing.

Casting out underhand with a conventional reel is no big deal. We had the reel on free spool with a thumb on the line. An underbanded flick of the wrist started the jig moving upwards. Then we released the thumb and off it went.

Skipper Keefe was amazed that the mackerel flurry had now been running one hour and 17 minutes. So was the group of experienced fishermen who were on Keefe's boat.

The mackerel kept biting without let up. If the fish were not hitting up high, they hit deep.

An angler doesn't have to break his back to jig mackerel. A diamond jig has four sides and it flashes easy. The angler has to simply keep the jig moving, bumping it a little to make it flutter.

By now we had filled a hurlap sack in addition to the tub and we started on still another one. Keefe finally took a quick tally at the rail and said we had better get back to the dock before the boat was swamped with fish. At 12:15 p.m. Keefe blew three blasts on the whistle and everyone collapsed.

The final tally came to 191 macks caught in a single flurry. Steel packed a 20-gallon tub with Bostons while Toliver had over 200. The entire length of the rail was packed solid with bags and tubs of fish.

The Miss Tambo looked like the Fulton Fish Market on a busy day. This is a mackerel run which only started last Thursday. It was a massacre.

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OF FLOUNDERBURGERS AND THE FISHERMAN'S DILEMMA—U.S. FISHERMEN WOULD LIKE TO CONTROL THEIR COASTAL WATERS, TO BE ABLE TO GO OUT THERE AND SAY TO A FOREIGN SHIP, "OKAY, GET OFF THE FISH!"

(By John Neary)

The reason you're not catching many fish, shrilled the wall poster in a local sea-food place, is because they are!

They, the poster explained, are Soviet and other foreign trawlers—twelve miles off our coast, and sucking up everything that swims, crawls, or hides in the sand! The placard ended with a demand for a two-hundred-mile fishing limit now!



As I sat thinking over the poster's message, the waitress arrived with a miserable, briquet-shaped object that looked nothing like the succulent, snow-shoc-shaped flounder I'd ordered. It looked, rather, like a slightly oversized Good Humor bar, minus its wooden stick and entombed under thick layers of jellied breadcrumbs. I smeared the "flounderburger" with tartar sauce and chomped away on it, glumly but gamely.

On the way out I looked again at that wall poster, with sharper interest: With all those foreign fleets out there scooping in fish and spewing out anonymous-looking briquets, how can we sea-food buffs ever be sure again about the origins and contents of the cube-shaped objects dumped on our plates?

I figured, of course, that the poster's anti-poacher message was probably exaggerated. But there is no doubt that the anger it reflects is genuine enough.

The flounder-briquette dinner I had just consumed attests to the fact that the Reds aren't getting quite everything out of the ocean. Still, I suspect that in the little Point Judith sea-food place, I stumbled on two solid clues—the flounderburger and the shrill poster—to what is nothing less than a radical change in the life of the American fisherman. Always before he had been thought of as a Winslow Homer-like figure—solitary, taciturn, picturesquely resigned to life as the tides bring it to him. But the flounderburger and the poster reflect mass production, mechanization, a fiery new militance, and a high degree of politicization, fueled by a keen anger. The fisherman may even be as sore about the foreign poachers as I was about the plastic briquette.

My flounderburger and the American fisherman's dilemma have both been shaped by the same force: economics. Americans don't like fish very much to begin with: They consumed only 12.2 pounds of sea food per person last year, compared with 86.1 pounds per person in Iceland, where they can't seem to get enough of it. We Americans import vastly more sea food than our own vessels bring in each year. Those richly nutritious waters over our continental shelf, mixed with currents from the north and south, not only produce stupendous quantities of fish but also draw huge fleets of foreign fishing vessels to hunt them. More than 800 ships each year harvest the waters off the United States—Poles, Russians, Bulgarians, East Germans, West Germans, Italians, French, Norwegians, Japanese, Cubans, Greeks. Even Irish boats are out there, vying to fill their holds for tables back home. They all want sea protein far more keenly than do Americans—who make a sizable portion of what sea produce they do purchase into cat food and fertilizer, to the vast amusement of foreign fishermen. Many of the fleets competing are government subsidized, so that the independent U.S. fisherman simply cannot afford to compete with them. One result is that you will find packing plants in villages like proud old Gloucester slicing up fish caught by Polish boats, so as to supply the American fondness for fish sticks. Another result has been the imposition of quotas on coastal waters that U.S. fishermen have traditionally regarded as their own providentially granted fishing preserve. Enforcement of the quotas are vague and mostly voluntary. It is overseen only by a Coast Guard monitoring plane that carries a United States National Marine Fisheries Service spotter alone on its weekly overflights. Some stocks have suffered near-mortal damage. Haddock, driven nearly to commercial extinction, cod, ocean perch, pollack, yellowtail flounder—all are now under some kind of formal quota.

This has been rough on many U.S. fishermen. Boston, heavily dependent on haddock, has seen its fishing fleet decline from seventy-nine vessels in 1958 to just thirty by 1970. Several years ago, for the first time, fish vendors at the city's wharf were selling fish, almost half a million pounds of it, that had been trucked in from as far away as Canada.

Other ports have resourcefully switched brands. Thus it is that flounderburgers much like the one that graced my plate in Point Judith begin their way to the competitive marketplace on the first floor of a building that is the heart of Point Judith's economy: the fishermen's cooperative. When the flounder arrive here, they still look like fish. Fresh from the draggers that bring them in, they roll on a conveyor belt past a silent gantlet of knife-wielding men and women: The long blades flash just once per fish, and the defilleted corpse ends up in a bin. The fillet, meanwhile, is shunted along toward flounderburgerhood and destiny.

The Point Judith Co-op is one of more than 100 maintained by some 10,000 U.S., Puerto Rican, and Virgin Islands fishermen. For the men who sail from

the tiny harbor each day, the co-op provides more than just an economic edge in their endless competition with the vagaries of water, weather, and the foreign fleets. It lends them political clout, too, in the form of one Jake Dykstra, burly president of the co-op. Dykstra's father came to Point Judith many years ago to continue the livelihood he had learned as an oysterman in West Sayville, Long Island. Jake himself has been going to sea ever since he can remember.

While he still tries to spend time fishing, Dykstra has in recent years devoted huge chunks of his life to seemingly endless negotiations on the law of the sea and on the fishing arrangements between the United States and foreign nations. Dykstra is a working-fisherman co-op president. He is also a fishing industry adviser on the law of the sea and an advisory board member of the University of Rhode Island's Law of the Sea Institute. Above all, Dykstra stands four-square for the coastal fisherman. As one co-op member put it, "Jake's the king around here—he knows everything."

One thing Jake knows is that a 200-mile exclusive zone will never work. "For the average coastal fisherman it would be simplest and neatest just to say, 'Stick the fence out there two hundred miles, and tell them to keep out.' But it's not what we can sell. For instance, it doesn't protect the salmon fishermen on the west coast, in the northwest and Alaska. Their fish range beyond two hundred miles. It doesn't please the tuna fishermen, because it's what the South Americans are trying to do to them right now. And it doesn't please the shrimp fishermen, because we have a high-seas shrimp fleet that this runs into, smack, head on."

To Dykstra and his industry the answer is a proposal based not on geography but on biology: "We would like to see the resources that are dependent on our coastal environment declared the property of the coastal nation, just as oil and minerals have been. The fin fish of the ocean can be classified into roughly three categories: coastal varieties; varieties that spawn in fresh water and spend most of their lives at sea; and high-seas varieties such as tuna, which range the ocean and do not depend on a coastal environment. There are such fish as herring, which may range quite widely. But they need the coastal environment for food and reproduction.

"We are willing to make the provision that if we do not utilize the fish, if they are underutilized, an arrangement could be made so that someone can utilize them. In other words, we just don't build a fence around food that is needed by mankind and say, 'It's ours, you can't have it, let it die'—because many of these things are a matter of acceptability to the world community. What we're doing is trying to get some kind of compromise that people can live with and that will sell.

"Our biggest difficulty domestically," Dykstra says, "is with the military. They're very, very skeptical of anything that can lead to any country barring military hardware—airplanes and nuclear submarines—through any kind of excuse. They feel that if you draw lines in the ocean and say, 'Well, we have jurisdiction for fisheries out so far,' then this will quickly be expanded to other areas and will exclude military activities."

Against this tangled background, international agreement has not been proceeding with alacrity. "The problem is that the pressures are moving faster than the diplomats," Dykstra says. "I'm afraid if they don't evolve something in 1973, events will overtake them. Already various countries—thirty-five of them in the first two years—have made some moves to extend unilateral jurisdiction."

Dykstra is certain his industry eventually will get some sort of management or control over coastal fisheries. If only because the growing world employment of such zones "will demand this and the United States will go along."

Meanwhile, between now and a unilateral move or a ratified law of the sea treaty, a lot of fish are being grabbed off Point Judith. "The schedule might be," he says, "that we sign in 1975—but it might take another five years before there are enough ratifications to make it international law, seven years before we can go out and say to a foreign vessel, 'Okay, get off the fish!'" This is just too long for us to wait. So we intend to ask the United States to move unilaterally in the interim."

Such proposals, backed by men like Dykstra and the industry's Washington lobby, the National Fisheries Institute, have been getting increasing attention in Congress. The proposals are, of course, woefully at odds with the ideal of a law of the sea that would be something more than the codification of the

existing maze of treaties and flats now in effect between nations. Demands such as Dykstra's evoke angry criticism from weary participants in the law of the sea controversy.

"There is, apparently, a belief that there is an opposition between pragmatism and idealism," growls Arvid Pardo, Malta's former ambassador to the United Nations. Pardo first articulated the beguiling phrase "common heritage of man" when he described in 1967 his vision of the ocean bed. "We need management of ocean resources," he told the participants in the University of Rhode Island Law of the Sea Institute's recent conference in Kingston, Rhode Island.

"This is essential because technology has brought about a situation where overfishing can take place. There must be certain minimal standards. We have to have a measure of authority. If we have merely national management, this will bring about the destruction of fisheries for the simple reason that we will have different standards of management in different areas—with the effect that some states, with fish spawning in their areas of jurisdiction, will exploit fish in such a manner that there will be few fish left to swim over to the jurisdiction of other states."

At the Kingston conference I listened while a United States participant in the negotiations, Leigh Retiner, director of the Interior Department's Office of Ocean Resources, approached the dilemma from the other direction. Retiner urged the establishment of an international tribunal for jurisdictional disputes. "A treaty," Retiner asserts, "has to be written that is sufficiently attractive on basic issues to most countries that those things that cannot be resolved are left to be resolved by wise men interested in making objective decisions. Problems should not have to be resolved by the use of force, which seems to be the way we now try to resolve our law of the sea disputes."

The outlook for a successful treaty next year, Retiner says, is far from hopeful. "My fear is that the law of the sea treaty on many important issues will, of necessity, be vague," he says. "And the question is, Will nations be prepared to sacrifice just a little of their selfish interests and take a chance on a new way of resolving disputes? Or are we going to write a treaty that will give rise to disputes and force us to negotiate another silly exercise in Geneva five, ten, fifteen years from now—after a few more cod and tuna wars?"

It seemed to me that this was where I came in; these discussions merely reflected conflicting demands instead of moving toward a rational resolution. It was as if the co-pilots of an airplane had a pleasant chat about the aerodynamics of flight while the plane hurtled toward the ground.

"As long as I see countries like the United States unable to sacrifice in their negotiations *that much* of their national interest in order to achieve the kind of broad international community I've just referred to," Retiner says, "I cannot be very hopeful that the Law of the Sea Conference will be successful."

What *is* the biggest problem, anyway? somebody asks. Oil, gas, minerals, fisheries, or what? And who really needs a law of the sea, anyhow?

Ambassador Pardo has an answer: "No one needs the conference right now—but if it is not successful, the consequences in ten years are likely to be disastrous. The situation right now is like sharks smelling blood in the water; they go crazy, attack the carcass, tear it to pieces—and kill each other, all at the same time. The states are trying to swallow the carcass of ocean space beyond national jurisdiction and, in the process, are very likely to inflict serious injury on themselves."

Is there no solution in sight?

"That," says Leigh Retiner glumly, "is what the Law of the Sea Conference is for—to have a solution to every single one of these problems and to have it as quickly as possible, or we're going to war with each other."

I was impressed by the American's forthright, cogent remarks. If America was coming across like this in the negotiating sessions, perhaps the outcome will not be as bleak as one might think. There it was, as blunt as Jake Dykstra and as urgent as the poster: a plea for a genuine international effort to start taking care of our ocean.

Senator STEVENS. I have looked at your statement and it is another one of those magnificent documents that you have prepared, and I am sure that you have some statements to answer. I saw you

busy with your pencil back there while I and the chairman were making some comments.

You proceed in any way you wish. I am sorry about the time factor. I really didn't know it. I guess you know we'll have another hearing on another day.

Mr. FELANDO. Thank you, Senator.

First I should introduce myself. I am August Felando. I am appearing before this committee on behalf of the American Tunaboat Association. I am the general manager of this nonprofit cooperative association, incorporated under the laws of the State of California, with its principal office of business in San Diego, Calif.

The American Tunaboat Association has been in existence since 1923. The membership is comprised exclusively of U.S. flag tuna fishing vessel owners.

The association opposes the passage of S. 1988.

At this time I would merely like to request the opportunity to present in writing at a later time responses to the specific points that were raised by Senator Magnuson in Bellingham, particularly with regard to the operation of what we call the tuna treaties, the Inter-American Tropical Tuna Commission and the International Commission for the Conservation of the Atlantic Tunas.

In addition, I will merely state at this time that we believe on the basis of the record in the Pacific that it is not correct to say that the Pacific tunas are disappearing or are in trouble, nor is it correct to say that the Atlantic tuna is disappearing. I will submit factual matter in that respect.

I think, however, one of the most important points to cover in this hearing is to point out with emphasis again that while it is true that the language contained in sections 5 and 11 of S. 1988 does not force the withdrawal of the United States from the two treaties, and the only two treaties that provide protection to the U.S. tuna industry, that is not really the question.

The question is our judgment again on the impact of S. 1988 with respect to the future existence of those commissions and whether in fact those commissions could function.

Now, I have addressed myself to this in my statement.

Senator STEVENS. Tell me, do you know—this is a sort of off-the-cuff question, but the three fisheries that have been represented here today which oppose this legislation really haven't been subjected to the type of pressure that the others have from the Russians, the Poles, Germans, the Koreans, the Japanese. They haven't really come into the Gulf of Mexico; they haven't gone off the South American coast where you are; have they?

Mr. FELANDO. Well, we compete against 12 other nations in the Pacific. We compete with maybe an equal number or more in the Atlantic.

I don't think it is correct to say that tuna, let's say, is fully protected. We still really owe our position to our ability to outfish others. Now, it has taken a long time for us to reach that stage. It is because of, maybe, a number of complex factors.

But we were up against the wall in the late 1950's. We were almost going bankrupt because of competition, particularly from Japan.

The fact is that we were able to make adjustments, adjustments not only in technology, but also in some of the other institutional factors regarding the industry. And I think this has been underplayed to a great extent.

But in our industry we have, I consider, a very favorable union climate. Now, they were suffering along with us, but we were able jointly, really, to respond not only technologically, but also I say with the assistance of the fishermen. Fortunately, we were able in time to benefit and share in the growing market for tuna.

Granted, I think you have to divide up the tuna market in the United States. At the present time, in the light meat tuna market we only provide about 49 percent of the tuna to the U.S. market. At one time, as you know, we provided 99.9 percent, you could say, of the domestic market, because that is where the tuna industry started, in southern California.

I feel that we have not been immune from the competition, but fortunately we have been able to adjust technologically and also within the industry.

The fact is what S. 1988 does is something we have no control over. We feel that as long as we have access to the fish, as long as we can get to the fish or to the grounds, we would withstand the competition. We can work with that.

But if a bill such as this in effect denies us the opportunity to fish those grounds, we have lost the only strength that we have.

Senator STEVENS. What would happen if those trawlers that are dragging our coast for pollock started dragging the areas where you are fishing for tuna?

Mr. FELANDO. Well, I don't know what kind of technique would be involved. But let me say perhaps we don't fully understand the tremendous competition, the competitive forces that are involved particularly in the ground fish industry. Maybe we don't have the same type of situation that they do.

However, I think you have to admit that S. 1988 strikes like a meat-axe approach.

Senator STEVENS. You have to admit that's what it's intended to do.

Mr. FELANDO. Yes. And at the same time, while maybe this is intended to protect the coastal fishermen, yet a significant share of the U.S. fishing industry is harmed.

S. 1988 has some good intents and purposes, basically striving for the protection of the fish, to prevent the fish from being over-fished. At the same time, it is trying to protect the U.S. domestic fishing industry.

Senator STEVENS. Do you support the NFI approach?

Mr. FELANDO. Yes. I think, number one, it's a treaty. It provides for unilateral action within the cover of a multilateral agreement.

And I don't know what the answer is. I don't know why this treaty—we have had other treaties on the books that have been implemented by legislation. I don't know why this particular convention has never been implemented by domestic legislation. I don't know why this particular convention has not been used, such as the convention on the shelf.

But if you will legislate that convention, we will support it, sir. Senator TUNNEY. Just on this point, I would like to ask Mr. Felando if he has any impression on the question that you raised earlier as to what is required to implement article VII of the Geneva Convention.

Can the President do that on his own? Do you understand the President can do that on his own?

Mr. FELANDO. I really don't know the answer to that, Senator. It would seem to me that the Congress could implement the law and provide some guidelines as to how this particular treaty can be implemented.

Senator TUNNEY. Well, the treaty is the law of the land.

Mr. FELANDO. Yes, but I am saying we have a treaty like the convention, for instance, that established the Inter-American Tropical Tuna Commission. To get that convention going, there had to be implementing legislation, which we have.

Senator STEVENS. I think there would have to be legislation, but I don't know about the time device. You can't take that action under the treaty until 6 months of negotiations have taken place, and that is the problem, of what triggers the time, as far as I am concerned. It is not a self-implementing concept in that field. It would take some legislation to do this.

Mr. FELANDO. I would like to say this, and then let Charlie answer some questions.

It seems to me we have taken effective action on the convention for the Continental Shelf. I think that at least de facto the Department of State acted—and I think acted properly—under that convention. I don't see why they haven't acted in the past with respect to this other convention.

Senator STEVENS. Charlie, do you have a comment?

Mr. CARRY. I have a comment. You are a lawyer, and I am not, and you probably can evaluate this better than I can. But it certainly seems to me, particularly with reference to the Pacific Northwest and the Bering Sea and the Gulf of Alaska, that all the notice in the world has been served at the annual meetings of the International North Pacific Fisheries Commission.

It seems to me the President—and I think it would have to be the President that would have to start this ball rolling—has plenty of justification for saying we have been negotiating for 6 months when, as a matter of fact, we have been negotiating for 16 years or more under that treaty. And I think he could very well say that under the provisions of article VII the time has run out and we can properly take some unilateral action.

I firmly believe that, but again, I am not a lawyer.

Senator STEVENS. That commission doesn't cover all species in the North Pacific and Bering Sea. That is one of the problems.

Mr. CARRY. Well, yes, it does, Senator. You read that treaty again. There are certain fisheries spelled out in the protocol, such as salmon and halibut, but in fact the general terms of the treaty cover all the fisheries of the North Pacific Ocean.

Senator STEVENS. Well, I have it with me right now, as a matter of fact. The release was made after the American sector returned, where they made their recommendations. And one of their recommendations was to expand their jurisdiction over all the fisheries resources.

Mr. CARRY. Well, the fact is they have not devoted much attention to many species beside salmon and halibut. In fact, I think the king crab is handled by separate bilateral agreement with both the Soviet Union and Japan.

But the broad text of the treaty itself covers all of the fisheries of the North Pacific. That is one reason why I personally have been a member to the advisory committee of the U.S. section since 1960, simply because in our view that treaty covers tuna as well, and we have been recognized as having a legitimate right to be on that advisory committee and help the U.S. Commissioners in their deliberations at the meetings.

So I am positive—

Senator STEVENS. Because of this 200-mile thing you didn't want to go too far—

Mr. CARRY. Before there was any talk about 200 miles, I was a member of that advisory committee.

(The statement follows:)

STATEMENT OF AUGUST FELANDO, GENERAL MANAGER, AMERICAN TUNABOAT ASSN.

My name is August Felando. I am appearing before this Committee on behalf of the American Tunaboat Association. I am the General Manager of this non-profit cooperative association, incorporated under the laws of the State of California, with its principal office of business in San Diego, California.

The American Tunaboat Association (ATA) has been in existence since 1923. The membership is comprised exclusively of U.S. flag tuna fishing vessel owners.

POSITION OF THE ATA ON S. 1988

We oppose the passage of S. 1988 because (1) it adversely affects existing treaties that provide for the rational use and conservation of tunas presently harvested by our members in the Eastern Pacific and Atlantic Oceans, because (2) it adversely affects the opportunity of our Government to strengthen such existing tuna conservation regimes or to create new international conservation organizations to manage the tunas, and because (3) contrary to its announced purpose, it denies protection to the U.S. Tuna Industry, particularly the U.S. flag tuna fleet operating in waters beyond the jurisdiction of the United States.

HOW DOES S. 1988 IMPLEMENT ITS PURPOSES?

S. 1988 purports to protect the U.S. fishing industry until present Law of the Sea negotiations sponsored by the United Nations on the extent of contiguous fishery zones and management authority over anadromous fish are completed, and "until an effect international regulatory regime comes into full force and effect."

Three methods are used to provide each purported protection. First, S.1988 amends an existing Federal statute called "An Act to establish a contiguous fishery zone beyond the territorial sea of the United States" (Public Law 89-658 of October 14, 1966; 16 U.S.C. 1091-1094). At present, such statute establishes a fisheries zone contiguous to the territorial sea of the United States. It also provides that the width of such fishery zone, that is, the distance from the inner boundary to the seaward boundary, be 9 nautical miles. At present, the width of the interterritorial sea of the United States is 3 nautical miles.

S. 1988 changes the breadth of such fishery zone to 197 nautical miles. S. 1988 is generally called a "200 mile limit" Bill because the total jurisdiction claimed for the United States under the concept of the territorial sea and the contiguous fishery zone is presently computed to be 200 nautical miles. It is important to point out that the existing statute referred to above is silent on the breadth of the territorial sea of the United States. S.1988, therefore, does not propose to limit the total breadth of the territorial sea and fisheries zone to an established distance, let us say to 200 nautical miles. In this respect, S.1988 opens the door for a future automatic claim of jurisdiction far beyond 200 miles should this country widen its territorial sea beyond 3 miles in the future.

The second device that is used to provide such purported protection to the U.S. Fishing Industry is merely to extend "jurisdiction to its anadromous fish wherever they may range in the oceans . . .".

The third method adopted by S.1988 to attain its objectives is to place an affirmative duty on the Secretary of State to negotiate new treaties or agreements or amendments to existing treaties, conventions and agreements *covering fish subject to the exclusive jurisdiction of the United States*, and to seek treaties or agreements *covering fish that are not subject to the exclusive jurisdiction of the United States*.

At this hearing, I shall not discuss the impact of S. 1988 on U.S. fisheries engaged in the taking of anadromous fish as defined in such Bill.

#### WHAT DOES S. 1988 ATTEMPT TO DO FOR THE PROTECTION OF THE TUNA INDUSTRY, IF ANYTHING?

We believe that it is well recognized that the Tunas are a species of fish that cannot be subject to the exclusive jurisdiction of any one Nation, let alone the United States. This is because of the unique biological characteristics of the tunas. The ocean distribution and life history of the tunas reveal that their populations range over extensive ocean areas, that they undertake long migrations and are of high mobility. This point has been extensively that was organized to prepare for the Law of the Sea Conference. (Please refer to the copy of the document attached hereto and entitled "Special Considerations regarding the management of anadromous fishes and highly migratory oceanic fish; working paper submitted by the United States.") Congress has also upheld the special characterization of the tunas, and the need to have an international fisheries organization approach towards the conservation and management of the tunas. I refer to the Treaties and implementing legislation connected with the *Inter-American Tropical Tuna Commission* and the *International Commission for the Conservation of the Atlantic Tunas*.

It is also clear that the tunas are treated in S. 1988 as a fish that cannot be exclusively controlled within the fishery zone of the United States. This is apparently why the Secretary of State is under obligation under Section 5(4) (c) to "seek treaties or agreements with appropriate foreign countries to provide for the rational use and conservation of . . . (c) fish originating in the high seas through strengthening existing, or, where needed, creating new international conservation organizations; . . ."

It is also the apparent reason why S.1988 makes reference to the need for amending existing fishery Treaties, Conventions and Agreements to which the United States is a party in Section 5(2), and why S. 1988 in Section II states that "Nothing contained in the Act shall be construed to abrogate any treaty or convention to which the United States is a party on the date of the enactment of this Act."

From the language contained in Sections 5 and 11, it can be asserted correctly that S.1988 does not force the withdrawal of the United States from the two Treaties that have established international fisheries organizations to deal with conservation and management of tunas, namely the *Inter-American Tropical Tuna Commission* (IATTC) and the *International Commission for the Conservation of the Atlantic Tunas* (ICCAT).

We agree with this interpretation of the provisions of Section 5 and 11. But, the real question is whether S.1988 in establishing a 200 mile exclusive fishing zone off the coast and islands of the United States will have an adverse impact on the future existence and operation of the IATTC and ICCAT. What will be the reactions of the other countries who are members of these organizations? Will these organizations be able to implement effective conservation measures? Will these organizations be able to attract new members?



In our opinion, S. 1988 will destroy the IATTC and ICCAT, and will make the creation of new international fisheries organizations dealing with the conservation of tunas an impossible dream. This opinion is supported by factual information developed during the 25 year history of the IATTC.

At present, 8 countries are members of the IATTC, namely Canada, Costa Rica, France, Japan, Mexico, Nicaragua, Panama and the United States. None of these countries enforce a 200 mile exclusive fishing zone. None of these countries enforce a requirement that all foreign fishing vessels must have a tuna fishing license as a condition to fish beyond the 12 mile limit.

Two countries have aggressively enforced an exclusive 200 mile limit against U.S. flag vessels off their coasts and islands in the Eastern Pacific namely Ecuador and Peru. Ecuador joined the IATTC in 1961, and then after amending its Constitution to establish a 200 mile territorial sea, Ecuador denounced the Treaty and left the IATTC in August 1968. Peru has always refused to join the IATTC on the ground that participation in such international organization would derogate its 200 mile exclusive fishing zone. Thus, we have the experience in the Pacific where countries use a 200 mile exclusive fishery zone to get out of multilateral agreements, such as Ecuador, or to refuse to join such arrangements, as in the case of Peru.

In recent years, as a participant to the annual meetings of the IATTC, I have witnessed representatives of member countries to the IATTC use the threat of denouncing the IATTC and of establishing a 200 mile exclusive fishing zone.

In 1971, a resolution was passed during the 10th Inter-Governmental Meeting on the Conservation of Yellowfin Tuna, requesting member Governments of the IATTC to establish a working group to study the regulatory system for yellowfin tuna fishing in the Eastern Pacific. (Regulatory measures have been implemented on such fishery since 1966.) The Working Group was established and the study was made. Such study included an evaluation of the impact of 200 mile exclusive fishing zones utilizing data published by the IATTC. This evaluation concluded that the yellowfin tuna stock "cannot be managed effectively without the cooperative efforts of all countries fishing the Eastern Pacific both inside and outside the 200 mile zones."

Thus, we have good reasons supporting our belief that if S.1988 becomes law, other member countries of the IATTC and ICCAT will also declare immediate unilateral extensions of exclusive fishery zones of 200 or more nautical miles. They have been voicing this as a possibility; S.1988 will give them the excuse to act and the reason to explain their actions.

The next question is whether IATTC and ICCAT would be able to function in an effective manner over a fishery that is subject to 200 mile exclusive fishing zones. We have strong reasons to believe that such organizations will no longer be viable or workable as a device to conserve and manage the tunas in the Pacific and the Atlantic. The only international fisheries organization composed of countries who each claim a 200 mile fishery zone is the South Pacific Commission. Chile, Ecuador and Peru are the only members of this Commission. This Commission is a total failure as a conservation and management organization.

Besides using the South Pacific Commission as a measure of evaluating the impact of 200 mile exclusive fishing zones on IATTC, the reality of the new rules of access to fishing grounds offers reasons to support our belief that the IATTC and ICCAT will not be able to continue to implement effective conservation measures on the tunas.

Attached hereto is a Chart and Table providing factual information about the Eastern Tropical Pacific Tuna Fishery.

As the IATTC Table and Chart indicates, about 42% of the Commission's Yellowfin Regulatory Area (CYRA) is within 200 nautical miles of twelve countries. The total area of the CYRA is about 5,012,643 square miles, the area excluded by application of the 200 mile limit comes to 2,113,831 square miles.

During the period 1967-1973, the combined catch of yellowfin and skipjack taken within 200 miles has averaged annually 78% of the total combined catch of such species taken within CYRA.

The catch off the coasts of each of these 12 countries varies considerably from year to year. During a 7 year period (1967-1973), the catch of yellowfin tuna and skipjack tuna estimated to have been taken within the CYRA and within 200 miles of the United States has been 100 tons. The total tuna catch within the CYRA for the 7 year period 1967-1973 was 1,441,122 tons.

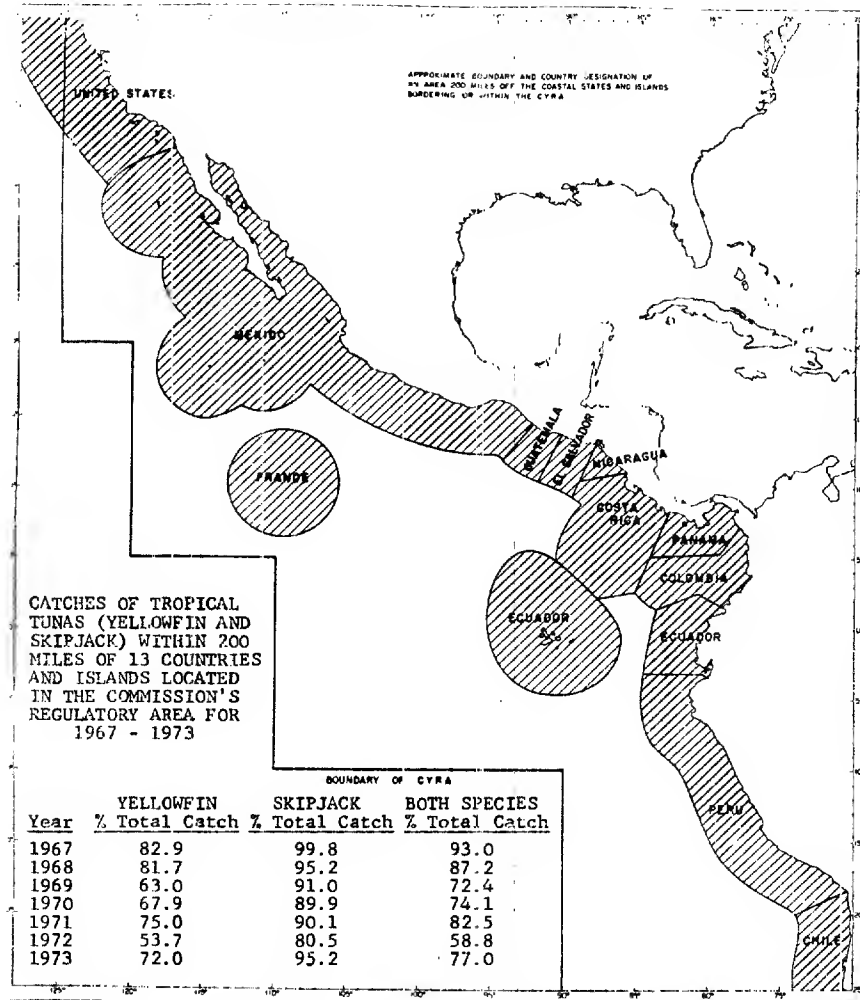


TABLE 12.—AREA WITHIN CYRA ZONES

Country	Number and percent of square nautical miles within—						Percent of CYRA within 200 miles
	12 miles	Percent	12-200 miles	Percent	200 miles	Percent	
Chile.....	8,765	6.0	220,538	11.2	229,303	10.8	4.6
Colombia.....	8,385	5.6	90,201	4.6	98,586	4.7	2.0
Costa Rica.....	6,651	4.5	151,232	7.7	157,883	7.5	3.1
Ecuador.....	17,623	11.9	295,744	15.0	313,367	14.8	6.3
Mexico.....	58,802	39.6	654,952	33.3	713,754	33.8	14.2
Panama.....	10,900	7.3	38,128	2.0	49,028	2.3	1.0
Peru.....	18,621	12.5	227,601	11.6	246,222	11.6	4.9
United States of America..	10,322	7.0	94,555	4.8	104,877	5.0	2.1
Nicaragua.....	2,822	1.9	14,437	0.7	17,259	0.8	0.3
France (Clipperton Island).....	706	0.5	124,161	6.3	124,867	5.9	2.5
El Salvador.....	2,556	1.7	22,293	1.2	24,849	1.2	0.5
Guatemala.....	2,232	1.5	31,604	1.6	33,836	1.6	0.7
Total.....	148,385	100.0	1,965,446	100.0	2,113,831	100.0	42.2

AREA OUTSIDE OF 200 MILES BUT WITHIN CYRA

Degrees of latitude	Number of square miles	Percent outside 200 miles
0° to 4° N.....	293,275	10.1
5° to 9° N.....	482,995	16.6
10° to 14° N.....	332,590	11.5
15° to 19° N.....	67,032	2.3
20° to 24° N.....	113,819	3.9
25° to 29° N.....	55,785	1.9
30° to 34° N.....	19,454	0.7
35° to 39° N.....	0	0.0
0° to 4° S.....	329,585	11.4
5° to 9° S.....	546,186	15.7
10° to 14° S.....	155,324	5.4
15° to 19° S.....	207,612	7.2
20° to 24° S.....	231,355	8.0
25° to 29° S.....	153,800	5.3
Total.....	2,898,812	100.0
Total Within CYRA.....	5,012,643	

We believe that the right to exclusive access to little or to some or to much or to none of the tunas within the 200 mile exclusive fishing zone will have a tremendous impact on the political will of a country to seek international cooperation via an international fisheries organization. Our experience is that the impact has not been adverse on the spirit of international cooperation if the right to deny access is limited to a 12 mile exclusive fishing zone. S.1988 will change the "ball game," because the legal right of access to the tunas will change as well as the legal right of transit within 2.1 million square miles of the fishing grounds regulated by the IATTC. (Please see Tables 1 and 2)

We believe it is clearly demonstrated that S.1988 will cause other countries in the world, particularly member countries to international fisheries organizations like the IATTC and ICCAT to duplicate the action taken by the United States. Further, that this will justify and excuse the actions of many of these countries to denounce such Treaties and/or to never support or join such efforts of international cooperation to manage the tunas. Also, that since the rules of access and transit within the fishing grounds would be so radically changed, international fisheries organizations like IATTC and ICCAT would no longer be able to function as viable vehicles of conservation and manage-

ment. Finally, we believe it most illusory and bordering on irrationalism to suggest as it does in S.1988, that the Secretary of State would be in a practical position to seek new treaties or to strengthen existing treaties for the purpose of providing for the rational use and conservation of tunas on an interim basis. We read S.1988 as giving the Secretary of State the task of persuading countries to reverse their unilateral extensions on an interim basis just after we have announced our unilateral extension for the purpose of agreeing to a multilateral agreement that will negate such unilateral extensions.

In this respect, therefore, we strongly believe that S.1988 does not protect the U.S. Tuna Industry; it in fact does a disservice to our Country and to the principle of conservation and management of fishing resources. S.1988 would represent a "stab in the back" to the conservation regimes established by the IATTC and ICCAT, and to future actions to strengthen such organizations or to create new international conservation organizations dealing with the tunas.

Because of the need to go into other aspects of S.1988, I have produced only statistics and information on the Eastern Tropical Pacific Tuna Fishery as regulated by the IATTC. In 1963, the United States ratified the *International Convention for the Conservation of the Atlantic Tunas*. At present, there are 13 countries who are members of the Commission created by this Convention, namely Brazil, Canada, France, Ghana, Ivory Coast, Japan, Korea, Morocco, Portugal, Senegal, South Africa, Spain and the United States. This Commission (ICCAT) initiated regulatory measures on yellowfin tuna in 1972 and is presently examining various regulatory measures on the albacore, bluefin and skipjack fisheries. We believe that the facts and reasons used to explain the situation applicable to the Pacific Tunas are also true for the tunas in all other oceans and seas, including the ICCAT regime.

S. 1988 SUBJECTS THE UNITED STATES TO A WELL-FOUNDED CHARGE OF  
INTERNATIONAL BAD FAITH

We have outlined above the adverse impact of S. 1988 on two Treaties that establish international Commissions having the duty to conserve and manage tunas in the Pacific (IATTC) and the Atlantic (ICCAT). We also charge that S. 1988 has an adverse impact on other Treaties signed by the United States.

According to Section 11 of S. 1988, nothing in the Act is to be construed to abrogate any Treaty or Convention to which the United States is a party on the enactment of the Act. We are not in a position to enumerate all of the Treaties or Conventions that would be affected by S.1988. Nor do we have a listing of all the treaties, conventions and agreements that would have to be reviewed by the Secretary of State for the purpose of making them consistent with the policies and provisions of S. 1988 on an interim basis. We hope this Committee will examine this aspect of S.1988 in a very careful and thorough manner.

We have pointed out to this Committee two Tuna Conventions. We have no knowledge of other Bilateral or Multilateral Agreements touching specifically on tuna. However, we are very much concerned about the impact of S. 1988 on the Conventions ratified by this Country that deal with the Law of the Sea.

We believe that S. 1988 is in direct conflict with the *Geneva Convention on Territorial Sea and Contiguous Zone*, April 20, 1958. I refer to Part II of such Convention. Such Part refers to the right of a Coastal Nation to establish a contiguous zone to its territorial sea. In paragraph 3 of Part II, a limitation on the extent to which such Coastal Nation can extend such zone is established: "The contiguous zone may not extend beyond twelve miles from the baseline from which the breadth of the territorial sea is measured." (italics added)

S. 1988 amends a Federal statute to extend a fishery contiguous zone from 9 to 197 nautical miles.

In Article 2 of the *Convention on the High Seas*, April 29, 1958, it is provided:

"The high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty. Freedom of the high seas is exercised under conditions laid down by these articles and by other rules of international law. It comprises, *inter alia* both for coastal and non-coastal States: . . .

"2. Freedom of fishing."

Article 1 of such Convention defines the term "high seas" as "all parts of the sea that are not included in the territorial sea, or in the internal waters of a State."

The Federal statute amended by Section 3 of S.1988 provides that "the United States will exercise the same exclusive rights in respect to fisheries in the zone as it has in its territorial sea." In establishing a conditional jurisdiction over anadromous fish "wherever they may range in the oceans" and in establishing a 197 nautical mile contiguous fishery zone, S. 1988 is in conflict with the *Convention on the High Seas*.

In Article 1 of the *Convention on Fishing and Conservation of the Living Resource of the High Seas*, April 29, 1958, it is provided:

"All States have the right for their nationals to engage in fishing on the high seas, subject (a) to their treaty obligations, (b) to the interests and rights of coastal States as provided for in this Convention, and (c) to the provisions contained in the following articles concerning conservation of the living resources of the high seas."

Without going into other details of this *Convention*, we believe S.1988 is in direct conflict with such Convention and strongly invite the Committee to examine this aspect of S. 1988 in the most thorough manner possible.

S. 1988 represents a *unilateral* declaration of jurisdiction. And, it has been the traditional position of the United States that it does not recognize any unilateral extension of either the territorial sea or zones of exclusive fishing rights. The fact that this Nation is undertaking an effort to help resolve the Law of the Sea by participating in the United Nations Conference is evidence of its policy against *unilateral* extensions of sovereignty or jurisdiction. The experience of the U.S. Tuna Fleet off Ecuador and Peru in suffering through 203 illegal high seas seizures and many harassment incidents since 1961 is based upon the position that the United States does not recognize unilateral extensions. We agree with John Norton Moore, Chairman, the National Security Council Interagency Task Force on the Law of the Sea, and Deputy Special Representative of the President for the Law of the Sea Conference, when he presented the views of the Executive Branch on S.1988:

"A unilateral declaration of fisheries jurisdiction at this time could seriously undermine our efforts in the Law of the Sea Conference and greatly hamper the chances for a satisfactory settlement of the fisheries question on a multilateral basis."

Since the summer of 1971, I have attended all preparatory conferences held by the United Nations Committee preparing for the Law of the Sea Conference, and I have participated both as one of four fisheries expert to the U.S. Delegation to such U.N. Committee and as advisor to the Department of State Law of the Sea Advisory Committee. I agree with Mr. Moore's evaluation of the impact of S. 1988 on the Law of the Sea Conference completely.

S. 1988 represents such a reversal of traditional policies by the United States, such an apparent breach of existing Treaties, Conventions and Agreements entered into by the United States, and such a contrast to what has been proposed and offered by the U.S. Law of the Sea Delegation, that it appears obvious to us that S. 1988 characterizes the United States as a country that can't be trusted or believed. S. 1988 represents action that subjects the United States to a well-founded charge of international bad faith.

Based upon information documented by The Geographer, Department of State (October 1973), it is also correct to assert that S. 1988 is contrary to existing international law respecting the breadth of fishing limits based upon the claims of 119 independent coastal states.

12 miles-----	71 countries.
15 miles-----	2 countries.
18 miles-----	1 country.
30 miles-----	3 countries.
50 miles-----	5 countries.
70 miles-----	1 country.
100 miles-----	Do.
110 miles-----	Do.
130 miles-----	Do.
200 miles-----	10 countries.
Modified Archipelago-----	4 countries.

One additional country claims a "specialized competence" over living resources out to 200 miles, and 4 countries included in the listing above also claim a 100 mile limit conservation zone.

S. 1988 AND ITS ADVERSE IMPACT ON THE U.S. TUNA INDUSTRY

*S. 1988 would deny the U.S. High Seas Tuna Fleet access to tuna fishing grounds that are essential to their continued economic survival.*

According to estimates by experts, if all coastal countries claimed a 200 mile limit, an area equal to the total land mass on the globe would be excluded from the classification of high seas. The ocean area enclosed would be roughly 37% to 40% of the world's oceans. With respect to 118 nations listed by The Geographer in his publication entitled "International Boundary Study, Series A, Limits in the Sea, No. 46, Theoretical Area Allocations of Sea Bed to Coastal States, Based on Certain U.N. Sea Beds Committee Proposals," the 200 nautical mile limit proposal would cause an allocation of 24,632,400 square nautical miles.

The attached copy of a portion of a map prepared by The Geographer, Department of State, depicts the 200 mile limit in the latitudes of the world of primary interest to the U.S. Tuna Industry. This is the area of the oceans where most if not all of the tropical tunas are caught. Most of the temperate tunas (albacore and bluefin) are caught in ocean areas not depicted by this map.

The other map attached to this Statement covers the IATTC Yellowfin Tuna Regulatory Area.

We estimate that about 6.7 million square miles would be withdrawn under the 200 mile limit and thereby be denied to the U.S. Tuna Fleet. Such a denial of access and transit rights would cause both fishing and navigation nightmares for the U.S. Tuna Fleet. Micronesia alone would have an ocean area under its jurisdiction greater than the size of the Continental United States or about 3.1 million square miles. Micronesia has a total land area of 700 square miles.

We assert that S.1988 denies access to grounds located within 200 miles of the coast and islands of other countries for the following reasons:

Should S. 1988 become law, then *all U.S. flag vessel owners*, including tuna vessel owners, would have very limited protections from illegal seizures on the high seas by foreign countries. We believe that the legal impact of S.1988 on "The Fishermen's Protective Act of 1967," as amended by Public Law 92-569 of October 26, 1972, 22 U.S.C. 1971 ff, as amended, results in the following direction to ATA members:

a. that the Fishermen's Protective Act of 1967, as amended, would not apply to a case in which a U.S. flag vessel had been seized while fishing within 200 miles of the coast or islands of any country, and

b. that the Fishermen's Protective Act of 1967, as amended, would not apply to a case in which a U.S. flag fishing vessel had been seized while *navigating* or in transit only as distinguished from fishing, within 200 miles of the coast of any country, Provided, such vessel had not observed such laws and regulations as such country made and published in order to prevent foreign fishing vessels from fishing within 200 miles of its coast. This opinion is based upon our understanding of Subsection A, Section III, Part I, of the *Convention on Territorial Sea and Contiguous Zone*, April 20, 1958, which provides

"5. Passage of foreign fishing vessels shall not be considered innocent if they do not observe such laws and regulations as the coastal State may make and publish in order to prevent those vessels from fishing in the territorial sea."

At the present time, our Government informs owners of U.S. flag tuna vessels that they have the right to fish outside the 12 mile fishery zone of any country. Upon the enactment of S.1988, U.S. flag tuna fishing vessels will be able to fish free of seizure within 200 miles of a country within a 200-mile fishery zone only with the permission or authorization from such country.

We believe that the statistics attached to this Statement reflecting the catch of tunas within 200 miles of the countries bordering the Eastern Tropical Ocean support our view that S. 1988 would deny the U.S. High Seas Tuna Fleet access to tuna fishing grounds that are essential to their continued economic survival.

Statistics and data collected by the National Marine Fisheries Service (NMFS) depicting where the U.S. Tuna Fleet caught the tropical tunas during 1967-1972 in the South Atlantic show that about 100% of the catch was taken within 200 miles of the coast and islands of the countries in the area. I am sure that this information as well as the 1973 catch information is available to the Committee from NMFS upon request. (Compilation of the 1973 data was not available as of this Hearing date.)

According to the NMFS, in 1973, 91% of *all* tuna landed by U.S. vessels in the United States and its possessions, was caught off foreign shores. In 1972, 87%, and in 1971, 84%. NMFS also reports that in 1973, 7% of all tuna landed

was taken greater than 12 miles off the coast of the United States. In 1972, 12%, and in 1971, 14%. As it will be developed later, it is important to point out that albacore tuna represented 5.6% of the 7% total for 1973, 9.2% of the 12% total for 1972, and 10.0% of the 14% total for 1971.

Thus, for 1973, the catch of tuna taken within 12 miles was only 2% of all tuna landed by U.S. vessels in the United States and its possessions. In 1972, the catch was 1%; in 1971, 2%. These statistics reveal the importance of insuring the right of U.S. flag tuna vessels to fish off foreign shores beyond 12 miles, the insignificance of the U.S. catch of tuna within 12 miles of its own coast, and the fact that most of the tunas are taken beyond 12 miles of the coast of the United States. (See Tables 3, 4, 5 and 6.)

These statistics also point out the need to distinguish the catch of albacore tuna from the other tunas in determining the impact of S.1988 on U.S. tuna landings. This is because the canned tuna market is divided into two classifications, canned tuna labeled as albacore or "whitemeat tuna," and canned tuna labeled as "lightmeat tuna," which includes mostly yellowfin, skipjack and bluefin tunas.

In 1972, U.S. canner production of "whitemeat tuna" or albacore came to 9.5 million standard cases; the lightmeat pack was 21.7 million standard cases. Yet, the U.S. albacore fishermen in 1972 only provided 58.0 million pounds of fish, of which 48.0 million pounds was caught 12 miles or more off the U.S. coast, the balance off foreign coasts. In order to meet domestic demands, U.S. canners were required to import 217.8 million pounds of albacore. In 1973, U.S. albacore fishermen provided U.S. canners only 34.6 million pounds, of which 5.5 million was caught off foreign shores. As of November 1973, U.S. canners have imported 206.0 million pounds of albacore.

A different picture is developed when the statistics are examined as to "lightmeat tuna." In 1972, the U.S. "lightmeat tuna" fishermen produced 466.1 million pounds of fish, of which only 3.3 million pounds were caught off the U.S. coast. The U.S. canners were required to import 489.0 million pounds of yellowfin and skipjack to meet the demand in the U.S. market. In 1973, U.S. "lightmeat tuna" fishermen provided U.S. canners with 481.0 million pounds of fish, of which 2.2 million pounds was caught off the U.S. coast. As of November 1973, U.S. canners have imported 426.4 million pounds of "lightmeat tuna." (Imports not converted to round weight for 1973.)

In percentages, therefore, the U.S. albacore fishermen, which principally catches its fish in most years off the U.S. coast, provided in 1972 about 11% of the domestic fish used in the U.S. pack, and 21% of the total fish received by U.S. tuna canners, including domestic and import landings for the "whitemeat tuna" pack only.

With respect to the U.S. "lightmeat tuna" fishermen, the percentages in 1972 were: 89% of the U.S. pack from the domestic catch and 49% of the total fish received by U.S. tuna canners, including domestic and import landings for the "lightmeat tuna" pack only.

It is also a fact that most of the albacore tuna is caught by the baitboat segment of the U.S. Tuna Fleet, and this baitboat fleet also fishes for "lightmeat tunas" to balance off its fishing year. Thus, it is also important for the tuna baitboat fleet to maintain not only access to albacore grounds off foreign coasts but also to maintain access to "lightmeat tuna" fishing grounds. And, since this fleet is composed of relatively small vessels, almost all of its catch comes within 200 miles of the coast and islands of coastal countries.

Thus, it would be incorrect to assume that S.1988 does not adversely affect the most productive segment of the U.S. albacore fleet. And, further, to ignore the economic importance and crucial dependence of the U.S. Tuna Fleet on access to the "lightmeat tunas," that is, to the yellowfin, skipjack and bluefin tunas. And, finally, to recognize that the U.S. canner is almost completely dependent upon that segment of the U.S. Tuna Fleet that operates from California and Puerto Rico for his domestic supply of both albacore and "lightmeat tunas."

S. 1988 HAS AN ADVERSE ECONOMIC IMPACT ON THE U.S. TUNA FLEET, AND THEREFORE, ON THE ENTIRE CALIFORNIA FISHING INDUSTRY, WHICH IN TURN AFFECTS ADVERSELY THE FISHERIES OF THE UNITED STATES, INCLUDING FISHERY FOREIGN TRADE

I am informed that this Committee will receive at a later date a detailed economic impact study on the impact of S.1988 on the entire U.S. Tuna Industry. At this time, I wish to bring to the Committee's attention some of the facts we think are important when considering the economic impact of S. 1988.

*A. Tuna and the California fishing industry*

1. In 1972, in terms of value of total fish and shellfish to the fishermen (ex-vessel landing value), Tuna represented 79.8% or \$74,838,000 of \$93,704,000 of all such landing value. This percentage in relationship to total landings of fish and shellfish in California in 1971 was 77.3%, and 74.3% in 1970. (See Table 7.)

2. In 1972, in terms of value of "cannery fish" to the fisherman (ex-vessel landing value), Tuna represented 95.1% or \$74,838,000 of \$78,658,000 of all such category of fish landing value. This percentage was 94.9% in 1971, and 93.8% in 1970. (See Table 7.)

3. During the period 1939 through 1971, the total value of tuna landed and shipped in California was \$1,807,620,731.00. Economists have advised that the multiple formula applicable to the "new wealth" generated by the tuna landed and processed in California ranges from 4 to 7. Using this range of measurement, the dollar impact of the tuna fleet landings alone in California for 1972 ranged from about \$300 to \$525 million. For the period 1939 through 1970, the dollar impact of tuna has been from \$6.4 billion to \$11.2 billion.

*B. Relationship of the California fishing industry to the fisheries of the United States*

In 1972 and for the 24th consecutive year, San Pedro, California, was the Nation's leading commercial port in terms of fish and shellfish landing value.

During the period 1966-1972, California has led all States in terms of value for 1972, 1971 and 1967, establishing second place for the other four years. During all such seven years, California placed second in terms of volume of landing.

California is a significant and important factor in the United States fisheries, and this is principally due to tuna landings and value.

*C. Relationship of tuna to the fisheries of the United States*

In 1972, tuna was third, or 8.0%, of all fish and shellfish landed in the U.S., and third, or 12.2%, of all fish and shellfish values. (Interestingly, Shrimp, Salmon and Tuna, the first three fisheries of the United States in terms of landed value for the country, and also the three fisheries most affected by S.1988, represented 49.5% of the landed value of all fisheries for 1972.)

In 1972, as to canned fish products processed for human consumption, canned tuna represented 73.9% of the total value of all such products processed in the United States. In 1941, tuna's share of the canned fish market was 13.9%, in 1961, the share was 49.5%. Tuna represents a significant element in the fish protein diet of the U.S. market. In 1972, the 26 plants processing tuna were located in California, Oregon, Washington, Hawaii, American Samoa, Maryland and Puerto Rico.

In order to better illustrate the relationship of the U.S. Fisheries, I have examined four levels of values placed upon fisheries. These levels are at ex-vessel or fishermen's value, the processor's value, and at the foreign trade value (export/import). Based upon a Government publication entitled "Fisheries of the United States, 1972," the following revealing statistics are produced:

Value level	U.S. fisheries	Tuna
Fisherman.....	\$765,500,000	\$122,350,000
Processor.....	2,277,000,000	731,302,000
Foreign trade:		
Imports.....	1,494,395,000	246,345,000
Exports.....	157,908,000	<sup>1</sup> 2,000,000
Total.....	4,694,803,000	1,102,497,000

<sup>1</sup> Estimate.

For 1972, tuna represented about 23% of the total value of U.S. Fisheries. According to the NMFS (MFR Paper 1012), "canned tuna and shrimp account for 35 percent of fishery food products consumed in the United States (24 percent tuna, 11 percent shrimp) . . . The three species (tuna, salmon and shrimp) account for nearly half the U.S. catch of fish sold for human food. . . ."

It is my understanding that important elements of the salmon and shrimp fisheries also oppose S.1988.



*D. Relationship of the U.S. tuna fleet and the fishing fleet of the United States*

As of December 31, 1973, our records show that there were 149 U.S. flag tuna vessels in the U.S. Tuna Fleet that have a frozen tuna carrying capacity of over 100 tons. The gross tonnage of this fleet was 100,746 tons. We estimate that as of December 1973, the entire U.S. fishing fleet limited to 5 net tons and over as documented by the U.S. Coast Guard included about 13,800 vessels with a gross tonnage of about 650,000 tons.

These statistics indicate that the U.S. Tuna Fleet is composed of relatively large fishing vessels. The U.S. Tuna Fleet, composed primarily of 200 gross tons or greater vessels, represents about 50% of the U.S. flag fishing vessels that are of 200 gross tons or over in the documented fishing fleet of the United States.

The attached Table indicates the tremendous investments that have been made in the U.S. Tuna Purse Seine Fleet in the past years. Additional investments in recent years have also been made in the U.S. Tuna Baitboat Fleet. (See Table 8.)

The U.S. purse seiner is being imitated by our competitors throughout the world. Our fleet is recognized for its high productivity per man, per vessel. At present, a new 1100-1600 ton seiner of competitive design costs between \$3 to \$4 million. The estimated replacement value of the 200 vessels in the U.S. purse seine and baitboat fleet is about \$300 million.

The U.S. Tuna Fleet is recognized as the most valuable, efficient and modern in the entire U.S. Fishing Fleet.

One impact of S.1988 on this fleet would be to confine it to areas of the Pacific that is recognized as one of the most dangerous ocean weather regions in the world. During the period 1966-1973, there have been recorded by NOAA, 119 tropical storms and hurricanes originating about 200 miles off Guatemala and Mexico. In 1973 alone, there were 5 tropical storms and 7 hurricanes recorded during the period July 30 to October 31.

*E. Foreign trade impact of S. 1988*

It is often argued that S.1988 should be adopted because it would help restore the balance of trade in fisheries. Based upon foreign trade statistics, we can demonstrate that S.1988 would cause greater harm than good in this area of foreign trade. In 1972, shellfish and tuna accounted for about \$724,350,000 of the \$1,233,292,000 spent for the importation of edible fishery products. The balance of imports involve mostly groundfish products. S.1988 in extending the fishery zone, would have an adverse impact on domestic tuna and shrimp fisheries in that foreign sources would be required to meet domestic demand. At first, the imports of frozen tuna for processing would increase, and then as the pressure for supply builds up, we are of the opinion that the import composition would change from a flow of raw materials for domestic processing to one of a flow of higher valued canned products. Not only would food for human consumption be affected, as also would the pet food market be dramatically changed. At present, relatively little pet food is imported. This is because it is a by-product of the tunas canned for human consumption. Should S.1988 be passed, we believe tuna in fish products would be adversely affected by the promises of S. 1988.

The following represents an examination of the import statistics for the period January-November, 1973:

## VALUE—U.S. GENERAL IMPORTS FOR CONSUMPTION, CUMULATIVE JAN.—NOV. 1973

Grand total-----	\$62, 891, 307, 065
Fish and fish preparations-----	1, 261, 874, 223
Fish, including shellfish—fresh, or simply prepared-----	1, 111, 488, 222
Fish, except shellfish, fresh, chilled or frozen-----	662, 143, 158
Fish, except shellfish, salted, dried, or smoked-----	30, 243, 022
Shellfish, except prepared or canned-----	419, 102, 042
Fish in airtight containers, N.E.S., and fish preparations, including shellfish, N.E.S.-----	150, 386, 001

Based upon these 1973 statistics, canned fish represents only 11.9% or \$150 million of the \$1,261 billion. Fish imported fresh, chilled or frozen represents 52.5%, while Shellfish represents 33.2%.

Our country's present Law of the Sea position clearly places our distant water fishermen who fish for shellfish in a very difficult position. S.1988

creates an overnight disaster for such fishermen. In any case, it cannot be argued that S. 1988 would reduce shellfish imports. Thus, shellfish importations will increase, and in fact, it can be argued that S.1988 would stimulate shellfish import dependency, particularly from Mexico.

With respect to tuna, most of the imports presently come in the form of frozen fish, approximately \$180 million for 11 months in 1973, and about \$38 million in canned products. This is the area that would be drastically and adversely affected by the passage of S. 1988.

The other import items that could be affected by S. 1988 are represented primarily by the fish imported in a fresh, chilled or frozen form. If we reduce this total by the amount represented by tuna, we are involved with approximately \$482 million for 11 months of 1973. An examination of these import statistics reveal that most of the fish comes from Canada, a startling \$210 million. The other major importing countries in this category are Iceland, Norway, Denmark—approximately another \$150 million. We question whether S. 1988 will reduce imports from these countries.

On the basis of this analysis, we conclude that S. 1988 will not help our foreign trade balance. The evidence is that S.1988 will actually harm our foreign trade in fish products.

ASSUMING THE PASSAGE OF S. 1988 WHAT IS THE PROSPECT OF U.S. TUNA VESSELS BEING AUTHORIZED OR PERMITTED TO FISH AND TRANSIT WITHIN 200 MILE EXCLUSIVE FISHING ZONES

This option is often offered as an answer to the access and transit problems caused by S. 1988 for U.S. tuna fishermen. We have had considerable experience with fishing licenses in the Tuna Industry. Based upon this experience, we have concluded that such a device has no future, and therefore, fails to mitigate the impact of S. 1988. We believe that S. 1988 is being supported by U.S. coastal fishermen primarily because it represents a promise of a fishermen's "heaven." They believe and are advised that a 200 mile exclusive fishery zone means that U.S. fishermen will be protected from foreign competition. This is why we expect U.S. coastal fishermen to oppose the giving of licenses to foreign fishermen. In fact, the implementation experience of the existing Federal statutes indicates that foreign fishermen have been permitted to fish only pursuant to an international agreement but not by virtue of a license issued by the Secretary of Treasury. (See 16 U.S.C. 1081-1086)

We anticipate this same attitude from fishermen of other countries. They will oppose the issuance of licenses to U.S. tuna fishermen, and it will be difficult to persuade them to take a different position than U.S. coastal fishermen.

We are already seeing signs in Latin America that suggests to us that the fishing license system is becoming impractical. The license cost is so prohibitive in Colombia and the procedure so difficult to follow, that in fact, the license system is illusory. The same is true for Ecuador; they have just tripled the cost within the past few weeks to a sum that is economically prohibitive. Mexico requires that 50% of the crew be Mexican citizens as a condition to the purchase of a license, and imposes other restrictions that limit the licenses to an extremely small number of U.S. fishing vessels. Our experiences in the past 15 years with the tuna fishing license systems have convinced us in the realism of the phrase: the power to license, like the power to tax, is also the power to destroy.

On February 7, 1973, Ecuador issued regulations that now require foreign vessels visiting the waters within 200 miles of Ecuador for purposes of tourism or scientific research to have licenses. (A copy of such regulations is offered.) This expansion of the license requirement to vessels other than fishing would be a natural extension of the type of jurisdiction claimed by S.1988. In time, the fishery contiguous zone will apply to other activities, and in our opinion, it will be difficult to distinguish the difference between the operating effect of a territorial sea and the so-called "contiguous zone." We believe this because this so-called division of sovereignty or jurisdiction is mere legal artifice. Based upon our seizure experience off Latin America, we have concluded that

a claim of a narrow territorial sea is meaningless unless such claim is asserted and enforced by our Government. Should S.1988 be passed, the fishery zone claim must be enforced if it is to be meaningful. As this process of enforcement develops, the presence of sovereignty and all of its characteristics increases in quality, degree of pressure, and soon becomes overpowering. In effect, all the essential characteristics of Government action that is required to assert and maintain the territorial sea concept is necessarily involved in the implementation of the unilateral claim proposed by S.1988. We assert that the so-called territorial sea limits of 12 miles or less will soon become either co-extensive with the limits of a fishery zone or face atrophy through indifference of the distant-water State to protect its vessels beyond 12 miles off the coastal Nation claiming a more extensive claim of jurisdiction over vessels.

We have made estimates as to the total cost for licensing during a calendar year off the coasts of 11 countries bordering the Eastern Pacific, and we have concluded that such cost would almost be confiscatory in nature. A conservative cost for one trip off one country for the entire U.S. fleet would be about \$1.1 million, and therefore a maximum cost of about \$12.1 million off 11 countries. For two trips off 11 countries, \$24.2, et cet. In the Atlantic, the U.S. fleet would be fishing or in transit off 20 or more countries. As these facts indicate, a regime that allows the grace of the coastal State to dictate terms of access can create an illusion of a so-called license system for foreign fishermen. S.1988 is really like a trade barrier established for the benefit of some but not all U.S. fishermen, and in this respect is discriminatory legislation.

WHETHER A REAL NEED EXISTS FOR S. 1988, AND WHETHER IT DOES IN FACT PROTECT OVERFISHED STOCKS AND DOES PROTECT THE U.S. FISHING INDUSTRY WHILE AWAITING THE U.N. LAW OF THE SEA CONFERENCE

We shall assume for purposes of argument that the findings of S. 1988 are correct, and that interim action is necessary "to protect and conserve overfished stocks and to protect our domestic fishing industry." It is still our considered opinion that S. 1988 does not represent the way to effectively protect overfished stocks and the domestic fishing industry on an interim basis.

We assert that S. 1988 will not protect the tuna stocks, and we assert it will destroy and not protect the U.S. Tuna Industry. We also understand that important segments of the salmon and shrimp fisheries take the position that S.1988 will not protect their fish either and that such proposed interim action will in fact damage their fisheries.

We remind this Committee again that these three species (salmon, shrimp and tuna) account for nearly half the U.S. catch of fish sold for human food, thereby representing a substantial share of the U.S. fishing industry.

Nevertheless, the real issue is whether realistic and acceptable alternatives exist to protect overfished stocks and that segment of the fishing industry dependent on such overfished stocks.

For the purpose of serving the long-term interests of the United States, we have consistently supported the United States fisheries proposal presented to the preparatory sessions of the Law of the Sea Conference. As stated by John Norton Moore, Department of State, to this Committee, the "proposal offers a rational system of managing the United States fishing industry, as well as the diverse interests of the international community." The U.S. proposal provides equal and fair treatment to all U.S. fisheries; S.1988 does not protect all U.S. fisheries, particularly the three most important fisheries of this country. In this respect S. 1988 is unfair in its approach to solve the special and serious problems of some coastal and anadromous fisheries.

We believe that the "meat-ax" approach of S. 1988 is not necessary, and that the most meaningful alternative on an interim basis is for Congress to effectively support the U.S. fishing industry in strengthening both bilateral and multilateral agreements with nations whose vessels fish off U.S. shores.

We in the tuna industry have no agreements with other countries other than the two Tuna Conventions to protect the tunas or our industry. Yet, the coastal and anadromous fishermen have numerous multilateral and bilateral agree-

ments covering all fisheries that are claimed to be endangered by foreign overfishing activities and competition.

We believe the problem of protection for the fish and the U.S. fishermen resides in the effective and equal enforcement of these bilateral and multi-lateral agreements. This is where Congress can take effective action that will be supported by the entire U.S. industry. We also believe that certain laws and Treaties already exist that provide assistance to the injured coastal and anadromous U.S. fishermen if Congress would move the Executive Agencies to implement them. I refer for instance, to the Fishermen's Protective Act of 1967 (Public Law 92-219 of December 23, 1971; 22 U.S.C. 1971), which provides restrictions on the importation of fish products from a country whose vessels overfish in violation of an international fishery conservation program. We believe this Committee should undertake an inquiry as to why such protective legislation has not been implemented against foreign fishermen, and then correct such laws if they are deficient.

We also believe the Geneva Convention on Fishing and Conservation of the Living Resources of the High Seas is available for protection of U.S. coastal and anadromous fishermen. We ask this Committee to inquire whether this Treaty has been utilized to protect overfished stocks. Such Treaty does allow the United States to adopt unilateral measures of conservation on stocks on the high seas beyond the territorial sea and contiguous fishery zone.

We know that the U.S. utilizes the Geneva Convention on the Continental Shelf to protect fisheries, it should also utilize the Fishery Convention.

We are of the opinion that contrary to the proposed findings in Section 2(a) of S.1988, there does not exist sufficient facts of urgency or emergency that supports the type of interim action proposed by S.1988.

We note that for 1973, 86% of the landing volume for all U.S. caught fish and shellfish except tuna was taken within 12 miles off the U.S. coast. (65% within 0 to 3 miles, and 21% within 3 to 12 miles.) As to 1973 landing values, 71% of all U.S. caught fish and shellfish except tuna was taken within 12 miles of the U.S. coast. (52% within 0 to 3 miles, and 19% within 3 to 12 miles.) (See Table 4)

In 1973, the total landing value of all fish and shellfish in the U.S. except tuna was \$339.2 million; in 1972, the comparable value was \$644.9 million. This represented a one year increase of about \$194.3 million, or 30%. 1973 landings were greater than 1972, and slightly less than 1971. (See Table 3.)

It appears to us from these statistics compiled by the NMFS that the U.S. Fishing Industry is healthy.

We have also examined the preliminary statistics on landing values and volumes for 1973 and 1972 covering the States of Maine, Massachusetts, Rhode Island, New York, Maryland and New Jersey. They show that the total volume of fish and shellfish landed in these six East Coast States increased 6% in 1973 over 1972, and that the total value of fish and shellfish landed increased 16% in 1973 over 1972.

	1973		1972	
	Pounds millions	Dollar millions	Pounds millions	Dollar millions
Maine.....	143.3	\$43.1	149.3	\$34.8
Massachusetts.....	257.1	44.2	236.6	42.5
Rhode Island.....	96.6	14.7	81.1	12.5
New York.....	36.0	21.8	36.9	22.0
New Jersey.....	209.8	18.4	190.5	14.4
Maryland.....	63.8	19.9	68.9	19.1
Total.....	806.6	162.1	763.3	145.3

Source: National Marine Fisheries Service.

These statistics raise some serious questions in our minds as to the "urgency" and "emergency" nature of the interim action proposed by S. 1988. Especially, when the evidence is very strong that S. 1988 will not protect salmon and tuna stocks, and will not protect important segments of the salmon, shrimp and tuna fisheries.

We note further that the present 12 mile fishery zone appears to protect most of the fish caught by U.S. coastal and anadromous fisheries, and that the Continental Shelf doctrine protects most of the Shellfish fisheries. It is our opinion that our Government has enough existing laws and authority to protect our coastal and anadromous fishermen if given a strong enough push by Congress and a united U.S. fishing industry.

For these reasons, we oppose the enactment of S. 1988.

Thank you.

TABLE 1.—YELLOWFIN AND SKIPJACK TUNA ESTIMATED TO HAVE BEEN TAKEN WITHIN 200-MILE ZONES AND BEYOND 200 MILES

Country	1967	1968	1969	1970	1971	1972	1973
United States.....	11	13	5	46	25	0	0
Mexico.....	80,750	50,521	48,876	87,841	39,387	37,258	31,113
France.....	107	95	8,668	3,015	2,945	2,598	6,629
El Salvador.....	1,691	17,568	506	276	2,466	472	1,539
Guatemala.....	5,017	14,487	6,484	559	4,214	3,863	2,835
Nicaragua.....	183	3,419	312	244	2,797	29	251
Costa Rica.....	4,213	25,052	10,475	11,630	40,266	18,332	26,924
Panama.....	754	1,097	708	434	3,712	6,131	33,860
Colombia.....	2,693	1,940	7,150	1,706	3,636	6,111	31,280
Ecuador.....	68,494	37,695	36,842	27,503	61,838	27,343	23,567
Peru.....	42,597	15,666	18,018	13,491	25,627	8,430	14,057
Chile.....	0	0	0	0	0	0	0
Total.....	206,510	167,553	138,044	146,745	186,913	110,567	172,055
Outside 200 miles.....	15,628	24,744	52,660	51,373	39,484	77,577	51,269
Total CRA.....	222,138	192,297	190,704	198,118	226,397	188,144	223,324

Source: IATTC.

TABLE 2.—YELLOWFIN AND SKIPJACK TUNA ESTIMATED TO HAVE BEEN TAKEN WITHIN 12-MILE ZONES

Country	1967	1968	1969	1970	1971	1972	1973
United States.....	4	4	1	6	5	0	0
Mexico.....	8,545	5,527	6,145	12,347	5,057	3,738	4,739
France.....	0	0	63	125	33	31	255
El Salvador.....	0	4	2	0	0	9	0
Guatemala.....	7	28	19	2	13	5	14
Nicaragua.....	4	127	6	31	262	7	23
Costa Rica.....	10	172	49	591	2,640	267	3,022
Panama.....	39	12	12	65	686	637	2,780
Colombia.....	454	384	1,080	79	216	517	3,528
Ecuador.....	13,815	7,028	6,558	3,954	6,350	2,263	2,732
Peru.....	4,845	2,706	2,814	2,460	2,966	1,250	3,876
Chile.....	0	0	0	0	0	0	0
Total.....	27,723	15,992	16,749	19,660	18,228	8,724	20,969

Source: IATTC.

TABLE 3.—LANDINGS OF FISH AND SHELLFISH BY U.S. FISHING CRAFT BY DISTANCE OFF U.S. SHORES.  
[In terms of landing value]

	0-3 miles		3-12 miles		Greater than 12 miles		High seas off foreign shores		Total
	In thousands	Percent	In thousands	Percent	In thousands	Percent	In thousands	Percent	
1971:									
Total fish.....	\$132,839	44	\$40,864	14	\$62,955	21	\$64,119	21	\$200,777
Shellfish.....	165,229	48	59,559	17	102,089	30	15,546	5	342,423
Grand total.....	298,068	46	100,423	16	165,004	26	79,665	12	643,200
Less tuna.....	152	.002	1,297	2	14,204	19	59,863	79	75,516
	297,916	53	99,126	17	150,840	27	19,802	3	567,684
1972:									
Total fish.....	123,384	35	44,654	13	77,611	22	102,564	30	348,213
Shellfish.....	165,066	40	66,424	15	132,638	32	53,159	13	417,287
Grand total.....	288,450	38	111,078	15	210,249	27	155,723	20	765,500
Less tuna.....	226	.008	1,283	1	19,786	16	99,334	83	120,629
	288,224	45	109,795	17	190,463	29	56,389	9	644,871
1973:									
Total fish.....	235,234	48	57,231	12	80,465	16	120,785	24	493,716
Shellfish.....	205,591	43	103,255	22	121,926	26	46,312	9	477,084
Grand total.....	440,825	45	160,486	17	202,391	21	167,097	17	970,799
Less tuna.....	474	.004	1,502	1	15,512	12	114,085	87	131,573
	440,351	52	158,984	19	186,879	22	53,012	6	839,226

Source: NMFS.

TABLE 4.—LANDINGS OF FISH AND SHELLFISH BY U.S. FISHING CRAFT BY DISTANCE OFF U.S. SHORES.

[In terms of landing volume]

	0-3 miles		3-12 miles		Greater than 12 miles		High seas off foreign shores		Total
	In thousands of pounds	Percent	In thousands of pounds	Percent	In thousands of pounds	Percent	In thousands of pounds	Percent	
1971:									
Total fish.....	2,377,972	59	842,297	21	497,942	12	335,781	8	4,053,992
Shellfish.....	520,077	57	210,079	23	165,714	18	19,538	2	915,408
Grand total.....	2,898,049	59	1,052,376	21	663,656	13	355,319	7	4,969,400
Less tuna.....	633	.0019	5,411	2	50,414	14	291,552	84	348,040
	2,897,386	63	1,046,965	23	613,242	13	63,767	1	4,621,360
1972:									
Total fish.....	2,267,602	57	772,112	20	436,600	11	485,541	12	3,961,855
Shellfish.....	471,935	51	198,502	21	200,459	22	61,349	6	932,245
Grand total.....	2,739,537	56	970,614	20	637,059	13	546,890	11	4,894,100
Less tuna.....	1,020	.002	5,408	1	61,204	12	456,743	87	524,375
	2,738,517	63	965,206	22	575,855	13	90,147	2	4,369,725
1973:									
Total fish.....	2,383,077	60	667,207	17	399,434	10	528,522	13	3,998,240
Shellfish.....	466,524	50	240,035	26	178,641	19	42,860	5	928,060
Grand total.....	2,849,601	58	927,242	19	578,075	12	571,382	11	4,926,300
Less tuna.....	1,150	.002	4,440	.008	39,290	7	470,703	91	515,583
	2,848,451	65	922,802	21	538,785	12	100,679	2	4,410,717

Source: NMFS.

TABLE 5.—LANDINGS OF TUNA (BY SPECIES) BY U.S. FISHING CRAFT BY DISTANCE OFF U.S. SHORES

[In terms of landing value]

	Year	0-3 miles		3-12 miles		Greater than 12 miles		High seas off foreign shores		Total		Grand total	
		In thousands	Percent	In thousands	Percent	In thousands	Percent	In thousands	Percent	In thousands	Percent	In thousands	Percent
Albacore	1973	---	---	\$35	.006	\$12,044	9	\$2,269	2	\$14,348	11	\$131,573	11
	1972	---	---	66	.01	16,356	14	3,310	3	19,732	16	120,629	16
	1971	---	---	2	.002	10,508	14	3,551	5	14,062	19	75,516	19
Bluefin	1973	392	.30	452	.34	1,031	.78	4,580	3	6,455	5	131,573	5
	1972	91	.08	185	.15	1,117	.93	5,255	4	6,648	6	120,629	6
	1971	70	.09	129	.17	807	1	3,300	4	4,306	6	75,516	6
Skipjack	1973	29	.02	886	.66	2,090	2	21,372	16	24,357	19	131,573	19
	1972	23	.02	704	.69	1,659	1	14,787	12	17,173	14	120,629	14
	1971	29	.04	926	.61	2,148	3	18,650	25	21,753	29	75,516	29
Yellowfin	1973	48	.04	145	.11	346	.26	85,864	65	86,403	66	131,573	66
	1972	109	.09	326	.27	653	.54	75,982	63	77,070	64	120,629	64
	1971	50	.07	174	.23	365	.48	34,362	46	34,951	46	75,516	46

Source: NMFS.

TABLE 6.—LANDING OF TUNA (BY SPECIES) BY U.S. FISHING CRAFT BY DISTANCE OFF U.S. SHORES  
[In terms of landing volume]

Year	0-3 miles		3-12 miles		Greater than 12 miles		High seas off foreign shores		Total		Grand total	
	In thousands of pounds	Percent	In thousands of pounds	Percent	In thousands of pounds	Percent	In thousands of pounds	Percent	In thousands of pounds	Percent	In thousands of pounds	Percent
Albacore.....	1973.....		82	.01	28,984	6	5,500	1	34,566	7	515,583	
	1972.....		193	.03	48,721	9	9,789	2	58,253	11	524,375	
	1971.....		3	.0008	34,668	10	10,182	3	44,851	13	348,040	
Bluefin.....	1973.....		1,063	.18	2,237	.43	19,758	4	24,016	5	515,583	
	1972.....		971	.20	3,250	.63	24,908	5	29,739	6	524,375	
	1971.....		822	.23	4,478	1	16,500	5	22,224	6	348,040	
Skipjack.....	1973.....		3,095	.60	7,463	1	93,305	18	103,964	20	515,583	
	1972.....		3,258	.62	7,680	1	77,400	15	88,444	17	524,375	
	1971.....		144	.04	10,171	3	100,750	29	115,280	33	348,040	
Yellowfin.....	1973.....		61	.01	1,602	.12	352,140	68	352,987	68	515,583	
	1972.....		324	.06	1,951	.37	344,646	66	347,896	66	524,375	
	1971.....		77	.02	664	.19	164,120	47	165,165	47	348,040	

Source: NMFS.



TABLE 7.—VALUE OF ANNUAL LANDINGS OF COMMERCIAL FISH IN CALIFORNIA, AND PERCENTAGE THEREOF REPRESENTED BY TUNA<sup>1</sup> 1972-1960, 1955, AND 1951

[In U.S. dollars]

Year	Total landing value	Total tuna landing value	Tuna percentage landing value
1972 <sup>2</sup>	\$93,704,000	\$74,388,000	79.86
1971	86,266,200	66,705,203	77.32
1970	86,253,713	64,066,695	74.28
1969	62,516,322	45,499,103	72.78
1968	53,695,507	37,164,931	69.21
1967	50,948,900	36,614,466	71.87
1966	55,149,708	39,680,364	71.95
1965	50,116,208	36,193,656	72.22
1964	49,925,674	35,945,891	72.00
1963	48,752,456	35,725,890	73.28
1962	54,264,302	41,144,072	75.82
1961	55,440,728	39,762,267	71.72
1960	48,905,266	35,027,098	71.62
1955	53,184,536	39,088,537	73.50
1951	66,796,883	46,867,670	70.16

<sup>1</sup> Includes tune-like fish.

<sup>2</sup> Preliminary.

Source: State of California, The Resources Agency, Department of Fish and Game.

TABLE 8.—HISTORICAL REVIEW OF NEW CONSTRUCTION AND CONVERSION IN U.S. PURSE SEINE FLEET, 1957-73

Year	Total vessels	Total capacity	New construction		Military hull conversions		Baitboat hull conversions		Estimated cost in million
			Number	Capacity	Number	Capacity	Number	Capacity	
1973	9	10,200	9	10,200					\$25.5
1972	16	18,800	15	17,850	1	950			49.5
1971	13	15,150	13	15,150					37.8
1970	11	9,200	11	9,200					20.5
1969	13	8,084	10	6,224	2	1,560	1	300	18.7
1968	4	3,200	4	3,200					6.9
1967	3	2,450	3	2,450					4.1
1966	1	550	1	550					1.0
1965	2	690	1	550				140	1.0
1964	1	779	1	779					1.2
1963	7	5,443	1	779	4	3,959	2	705	5.5
1962	11	4,468	1	779	2	1,042	8	2,647	3.9
1961	21	7,808	1	460	2	1,414	18	5,934	4.8
1960	52	15,264					52	15,264	7.8
1959	14	4,319	1	340			13	3,979	2.4
1958	3	927	2	680			1	247	1.1
1957	4	1,272	3	1,020			1	252	0.1
Total.....	185	108,604	77	70,211	11	8,925	97	29,468	\$191.8

Special Note: Prior to 1957, no baitboats were converted to purse seiners. The purse seine technique was used extensively on tuna by a large group of vessels from San Pedro. In the industry, this group has been called regular purse seiners. Until the early 1950's, the fleet fished seasonally on tuna with more emphasis on the sardine and mackerel fisheries. During the period January 1 through April 1, 1974, nine vessels have commenced their maiden voyages and one vessel has been launched. About 15 other vessels are under construction or order. The value of these 25 vessels is about \$75 million.

Source: American Tunaboat Association, One Tuna Lane, San Diego, CA92101.

# SUPPLEMENTARY STATEMENT OF AUGUST FELANDO, GENERAL MANAGER, AMERICAN TUNABOAT ASSN.

Mr. Chairman and members of the Committee, thank you for allowing us to again record our opposition to S. 1988.

I am August Felando, General Manager of the American Tunaboat Association. This non-profit fishery corporative association has its principal office

of business in San Diego, California. The American Tunaboat Association (ATA) has been in existence since 1923. Its membership is comprised exclusively of U.S. flag tuna fishing vessel owners.

I have previously testified before this Committee on this subject during a hearing conducted by Senator Tunney in San Diego on April 18, 1974. An extensive background statement, attached, with numerous charts, tables and other data relevant to the subject, was introduced. During such hearing, time requirements prevented a complete reading of the statement.

During this hearing, I intend to answer some of the questions raised by Senator Tunney during the hearing in San Diego, and provide new information that updates my previous statement.

In my previous statement, which is before this Committee today, I stressed the point that in our judgment, S. 1988 "adversely affects existing treaties that provide for the rational use and conservation of tunas presently harvested by our members in the Eastern Pacific and Atlantic Oceans." My statement did not go into detail on how successful such management Commissions have been in carrying out their purposes. I believe it is necessary to supplement this statement by providing information on the workings of the Inter-American Tropical Tuna Commission (IATTC), and the International Commission for the Conservation of the Atlantic Tunas (ICCAT), primarily because of remarks made by the Chairman during this hearing, and also during the hearings conducted by this Committee on Monday, February 11, 1974, in Bellingham, Washington, and on Thursday, February 14, 1974, in Aberdeen, Washington.

On page 30, Volume 2 of the transcript of the hearings conducted in Bellingham, February 11, 1974, during an exchange between the Chairman and witness Walt Yonkers, the subject of tuna conservation controls exercised by an international fisheries organization was discussed.

On page 21, Volume 5 of the transcript of the hearings conducted in Aberdeen, February 14, 1974, during an exchange between the Chairman and witness Harold Lokken, the Chairman again referred to the impact of S.1988 on existing tuna treaties.

Contrary to such statements, an Atlantic Tuna Commission was established by a treaty negotiated in 1966. As my previous statement points out, the United States ratified such treaty in 1966, and, at present, there are 13 countries who are members of such Commission. The International Commission for the Conservation of Atlantic Tunas (ICCAT) initiated conservation measures on yellowfin tuna in 1972, and is presently examining a variety of measures for albacore, bluefin and skipjack fisheries.

In 1973, the production of yellowfin tuna reached its highest level in the history of the fishery. Nevertheless, U.S. scientists are expressing concern about the status of the Atlantic bluefin stocks. No concern has been expressed about the status of other tuna stocks in the Atlantic, such as albacore, skipjack, bigeye, and the southern bluefin. Scientists have expressed the view that skipjack stocks are greatly underutilized. In our opinion, it is not correct to charge that because we did not have a treaty in the Atlantic—even a loose treaty—the "tuna disappeared finally."

With respect to the tunas in the Eastern Tropical Pacific and the success of the conservation regime established by the Inter-American Tropical Tuna Commission (IATTC), the following comments are offered.

First, of the five tuna species fished in such area, only the yellowfin tuna is under regulation. The IATTC has been in existence since 1950. The yellowfin tuna fishery has been regulated since 1966. In 1966, the annual quota established for all member countries of the IATTC was 79,300 short tons. In 1974, the annual quota set by the IATTC was 175,000 short tons, subject to the right of the Director of Investigations to raise such quota to a total of 195,000 short tons.

The yellowfin tuna stocks under conservation controls by the IATTC are not in decline. Extensive documentation published by the IATTC are available to the interested public. The success of the IATTC is recognized throughout the world.

However, this is not to suggest that the conservation regimes established for tunas are free from improvements, particularly in the area of international cooperation for enforcement purposes. The fisheries proposal of the United States as presented to the preparatory sessions of the Law of the Sea Conference reflects a need for improving the control aspects of the international fisheries organizations delegated the power to regulate highly migratory stocks such as the tunas.

We believe, however, that not only would S.1988 represent a "stab in the back" to the conservation regimes established by IATTC and ICCAT, but such proposal would frustrate future actions to strengthen such organizations or to create new international conservation organizations dealing with the tunas. Statistical data and other information contained in my previous statement support this conclusion. I will not take the time of this Committee to again review such documentation.

At the commencement of this hearing, the Chairman stated that the record developed by this Committee thus far revealed that international fisheries organizations are completely ineffective. In our opinion, we believe this conclusion is not supported by the record of the international fisheries organizations regulating the tuna stocks in the Pacific and the Atlantic. The American Tunaboat Association strongly urges the complete support and improvement of such regulatory devices to conserve and manage the tunas. We believe that this can be best accomplished by a successful Law of the Sea Conference. If, however, S. 1988 is enacted into law, we are of the opinion that such action by the United States will have an adverse impact on the political will of countries to seek international cooperation via an international fisheries organization, particularly as it is applied to tuna stocks. And, as it is well recognized, tunas are a species of fish that cannot be subject to the exclusive jurisdiction of any one nation. Therefore, in order to properly conserve tunas, we must enhance and improve the effectiveness of international fisheries organizations like ICCAT and IATTC.

Should the Committee desire further documentation on the effectiveness of ICCAT and IATTC to support our favorable opinion of such organizations, then we shall be most pleased to cooperate. In any case, it should be made clear for the record that the tuna industry denies the charge that the international fisheries organizations conserving tunas are "completely ineffective."

The Chairman of the Committee also stated that the record supports the charge that there is a general decline in the catch of the domestic fishing industry. On pages 12-13 of my previous statement, I offered the opinion that contrary to the proposed findings in Section 2(a) of S. 1988, there does not exist sufficient facts regarding overfishing to support the type of interim action proposed by S.1988.

It is clear that S. 1988 is opposed by segments of the U.S. domestic fishing industry (salmon, shrimp and tuna) that account for nearly half of the U.S. catch of fish sold for human food. This type of opposition requires that the need for the drastic action suggested by S. 1988 be "real" and completely persuasive on totally factual grounds.

As stated in our previous statement, 1973 landings and values for all U.S. caught fish and shellfish exceeded 1972. Land values on the fisherman's level approached a billion dollars in 1973. If you except tuna statistics, 1973 represented a one-year increase of about \$194.3 million, or 30% (thirty percent) over 1972. More importantly, landing volume increased in 1973 over 1972. (Please see tables 3 and 4 in my previous statement.)

My earlier statement also provided preliminary statistics on landing values and volumes for 1973 and 1972 covering the States of Maine, Massachusetts, Rhode Island, New York, New Jersey and Maryland. (Copies of the statistical documents prepared by the National Marine Fisheries Service concurring such statistics are attached.)

These six States enjoyed an increase in both volume and value of fish and shellfish landings in 1973 over 1972. In 1973, total fish and shellfish landing volume was 806.6 million pounds; in 1972, it was 763.3 million pounds. In

1973, total fish and shellfish values was \$162.1 million; in 1972, it was \$145.3 million.

On April 1, 1974, the National Marine Fisheries Service published statistics on the 1973 production of fish and frozen fish filets and steaks in the United States. The statistical bulletin entitled "Current Fisheries Statistics No. 6408" is attached. These statistics are particularly relevant because they deal with the production of coastal species in all sections of the United States. Over thirty species of fish are involved.

As the summary indicates, both landings and value increased in 1973 over 1972. In 1973, landing volume came to 129.8 million pounds; in 1972, landings came to 126.6 million pounds. In 1973, landing value came to \$108.6 million; in 1972, landing value came to \$91.9 million.

This statistical bulletin also published an historical review of the production and value of fish and frozen groundfish and Atlantic Ocean perch filets and steaks covering the years 1945-73. In 1973, cod landing volume was the *third* highest since 1945, and the *highest* in value for the entire 29-year period. In 1973, cusk landing volume and value was the *highest* recorded poundage and dollar value for the 29 year period. The review also indicated the decline of haddock in both volume and value. Except, that haddock landing volume in 1973 did exceed 1972, and haddock landing value was the highest in the past five years.

Within the past few weeks, additional statistical information has been published regarding the catch of U.S. fishermen for 1973. We note the preliminary estimates offered by Harry L. Rietze, Regional Director, Alaska Region, National Marine Fisheries Service, published in the *Fishing Gazette, Annual Review Number*. Mr. Rietze stated that:

"Alaska's major fisheries (salmon, halibut and shellfish) show an increase in value to the fisherman of seventy percent, or from approximately 100 million dollars in 1972 to about 169 million dollars in 1973. Even though the value to fishermen showed a sharp increase, the amount of salmon and halibut decreased. Shellfish continued its upward trend and showed a gain of 27% because of an increase in landings of all shellfish except king crab."

The Gloucester Fisheries Commission of Gloucester, Massachusetts, reported by the above-referred *Fishing Gazette*, pages 136-140, that annual fish landings for 1973 exceeded 1972 by 16 million pounds, and fish values for 1973 exceeded 1972 by 2.5 million dollars. The statistics for the past five years covering Gloucester reflected the following upward trends in landings and values:

Year	Landing (pounds)	Values
1969.....	69,000,000	\$6,635,000
1970.....	92,000,000	8,310,000
1971.....	111,000,000	7,800,000
1972.....	113,000,000	9,640,000
1973.....	129,000,000	12,147,000

As stated in our previous statement, the statistics being reported on fish landings and values raise some serious questions in our minds as to whether S. 1988 can be justified on the grounds that the fish stocks utilized by U.S. fishermen are all being overfished.

Recent statistics do reflect, however, that certain fish stocks are in decline. This is particularly true for the halibut stocks in the Northeast Pacific. Most people attribute this decline to the large-scale Japanese and Soviet trawl fisheries. According to published reports, Japan has agreed to impose restrictions on her fishing fleet which should reduce the incidence of immature halibut from being caught by Japanese longliners and Japanese motherships and land-based trawlers. Concern appears to be justified also by the catch statistics in the ocean region off the U.S. coast from Maine to Cape Hatteras and within the regulatory responsibility of the International Commission for the Northwest Atlantic Fisheries (ICNAF). However, since January 1st, 1974, conservation measures have been

implemented for the purpose of reducing the region's total allowable catch for the next three years. In 1974, a total catch quota of 923,000 tons has been established. For 1975, the quota will be 850,000 tons and for 1976, the quota will be whatever tonnage the Commission scientists agree to allow the region's biomass to begin to rebuild to maximum sustainable yield. IGNAF, which is comprised of ten member countries, including the United States, also agreed to continue trawl mesh size, but also to prohibit fishing from any of their vessels longer than 145 feet with other than pelagic fishing gear for the last six months of each year off Southern New England and in parts of the Gulf of St. Lawrence to Maine. Further, all member countries have agreed to an IGNAF joint inspection scheme for below-decks inspection as of 15 November, 1973.

It would appear from the above information that responsible and effective action has been initiated to resolve the problems confronted by U.S. fishermen off New England and by U.S. fishermen fishing for halibut. Such information seems to support our position that the "meat-ax" approach of S. 1988 is not necessary, and that the most meaningful alternative on an interim basis is for Congress to effectively support the U.S. fishing industry in strengthening both bilateral and multi-lateral agreements with nations whose vessels fish off U.S. shores. Again, we refer this Committee to the *Geneva Convention on Fishing and Conservation of the Living Resources of the High Seas*, and to the need for implementing such treaty by a federal statute as a way of resolving overfishing problems of coastal fishery resources.

In my previous statement, I contended that S. 1988 would harm our foreign trade in fish products. The statistical information provided only covered eleven months of 1973. I have now received information covering the entire 12 months of 1973.

VALUE—U.S. GENERAL IMPORTS FOR CONSUMPTION, CUMULATIVE JAN.—DEC. 1973<sup>1</sup>

Grand total-----	\$68, 655, 954, 588
Fish & fish preparations (2% grand total)-----	1, 386, 052, 650
031.0—Fish, including shellfish—simply prepared or fresh (87% of total fish and shellfish)-----	1, 217, 968, 829
031.1—Fish, except shellfish—fresh, chilled or frozen-----	718, 180, 898
031.2—Fish, except shellfish—salted, dried or smoked-----	34, 772, 147
031.3—Shellfish—except prepared or canned-----	465, 015, 784
032.0—Fish, including shellfish in airtight containers (12% of total fish and shellfish)-----	168, 083, 821

<sup>1</sup> Includes only imports for human consumption.

Source : U.S. Bureau of the Census, U.S. Imports—General and Consumption, Schedule A, Commodity and Country Report FT 135, December 1973.

As these statistics indicate, canned or otherwise prepared fish only represents twelve percent (12%) or \$168 million of the \$1,386 billion of fishery imports for human consumption. Over eighty-seven percent (87%) or \$1,218 billion of fishery imports comes in fresh, frozen, chilled, salted, smoked, dried or otherwise simply prepared.

A significant share of this eighty seven percent segment of fishery imports is shellfish. S. 1988 will not help to reduce shellfish imports. In fact, it would drastically reduce U.S. production of shrimp and lobster and in fact stimulate shellfish import dependency, particularly from Latin America.

With respect to fishery imports that are salted, dried or smoked, S. 1988 would not help reduce imports in this area. This is because in 1973, Canada's share of this import market was seventy one percent (71%), while another thirteen percent (13%) was taken by Iceland, Norway and Denmark.

As to the fishery imports identified as fish, except shellfish, fresh, chilled or frozen, and amounting to fifty-two percent (52%) of our total fishing imports, or \$718 million, the following analysis is offered : about \$194 million is represented by tuna imports ; the remaining \$524 million covered other ocean and also fresh

water species of fish, principally groundfish. Significantly, \$339 million of this total is represented by imports from Canada, Iceland, Norway, Denmark and Greenland. We are of the opinion that S. 1988 will not reduce imports from these countries.

As we analyze the foreign fishery trade import statistics for 1973, we conclude that S. 1988 would definitely not reduce, but rather increase, shellfish imports, canned or otherwise (\$465 million plus \$51 million); nor would S. 1988 reduce fish imports that are salted, dried or smoked (\$34.7 million). Further, that S. 1988 would cause an increase initially in frozen tuna imports (\$194 million), and later a substantive increase in canned tuna imports (\$40 million). Finally, that S. 1988 would not reduce imports of groundfish and other fish products from Canada, Iceland, Norway, Denmark and Greenland (\$437 million).

It should be of interest to this Committee to note that for 1973, six countries controlled over fifty-nine percent (59%) of the fishery imports for human consumption.

	Dollar amount	Percent total
Canada.....	\$299,447,075	21.6
Japan.....	227,142,602	16.4
Mexico.....	127,959,208	9.2
Norway.....	61,806,610	4.5
Iceland.....	51,306,485	3.7
Denmark.....	50,815,472	3.6
Greenland.....	8,057,464	.6
Total.....	826,534,916	59.6

In conclusion, we thank this Committee for offering us again this opportunity to provide data and documentation supporting our opposition to S. 1988. We urge you to reject S. 1988. Such proposed legislation will not protect the fish of interest to the United States from overfishing, nor will it protect the U.S. domestic fishing industry.

#### U.S. FEDERAL IMPORTS FOR CONSUMPTION—JANUARY–DECEMBER 1973

Schedule A commodity by country of origin	Canada	Mexico	Japan	Iceland	Norway	Denmark	Greenland
I 031.1.....	202,505,022	9,132,402	164,049,658	45,552,079	35,756,313	47,947,537	8,040,615
	(8.2)	(1.3)	(22.8)	(6.4)	(5.0)	(6.7)	(1.1)
031.2.....	24,576,103	126,660	438,940	669,780	2,948,796	1,006,686	
	(0.7)	(0.3)	(1.1)	(2.0)	(8.3)	(2.8)	
031.3.....	52,928,431	113,904,031	11,205,402	4,013,632	2,022	394,569	
	(1.4)	(24.5)	(2.4)	(.9)	(.0)	(.08)	
II 032.0.....	19,437,519	4,796,115	51,448,502	1,070,994	23,099,479	1,466,680	13,849
	(1.5)	(3.0)	(30.6)	(.01)	(13.7)	(.01)	(.00)
Total.....	299,447,075	127,959,208	227,142,502	51,306,485	61,806,610	50,815,472	8,057,464
Percent total..	(21.6)	(9.2)	(16.4)	(3.7)	(4.5)	(3.6)	(0.6)



CURRENT FISHERIES STATISTICS NO. 6380

# Maine Landings, December 1973

Washington, D.C.  
February 28, 1974

U.S. DEPARTMENT OF COMMERCE / National Oceanic and Atmospheric Administration  
National Marine Fisheries Service

In cooperation with the Maine Department of Marine Resources, Augusta, Maine 04330

## MAINE LANDINGS BY COUNTIES, DECEMBER 1973

SPECIES	(PRELIMINARY)					
	COUNTY					
	CUMBERLAND		HANCOCK		KNOX	
	POUNDS	DOLLARS	POUNDS	DOLLARS	POUNDS	DOLLARS
<b>FISH</b>						
COD, WHALE . . . . .	556	47	-	-	-	-
COD, LARGE . . . . .	42,722	7,551	-	-	7,780	799
COD, MARROW . . . . .	15,272	2,373	-	-	6,406	809
COD, SCROD . . . . .	-	-	-	-	1,316	169
CUSK . . . . .	11,864	1,245	-	-	2,486	250
FLOUNDERS, BLACKBACK . . . . .	2,025	502	-	-	-	-
FLOUNDERS, BLACKBACK, SMALL . . . . .	140	34	-	-	-	-
FLOUNDERS, DAB, SEA . . . . .	15,021	2,782	-	-	445	51
FLOUNDERS, FLUKE, MEDIUM . . . . .	35	7	-	-	-	-
FLOUNDERS, GRAY SOLE . . . . .	21,176	5,506	-	-	1,660	331
HADDOCK, LARGE . . . . .	3,145	1,156	-	-	2,076	885
HADDOCK, SCROD . . . . .	2,041	448	-	-	-	-
HAKE, RED . . . . .	35,714	4,049	-	-	-	-
HAKE, WHITE, UNCLASSIFIED . . . . .	40,942	6,338	-	-	3,835	433
HALIBUT . . . . .	12	10	-	-	1,960	1,624
HERRING, SEA . . . . .	-	-	273,280	8,900	502,420	16,684
OCEAN PERCH, ATLANTIC . . . . .	634,532	55,516	-	-	1,497,000	123,002
POLLOCK . . . . .	190,241	15,524	-	-	16,386	1,450
SHELT, ATLANTIC . . . . .	2,066	640	-	-	-	-
UNCLASSIFIED FOR FOOD . . . . .	15,916	2,222	-	-	-	-
<b>TOTAL FISH</b>	<b>1,035,920</b>	<b>106,032</b>	<b>273,280</b>	<b>8,900</b>	<b>2,043,770</b>	<b>146,566</b>
<b>SHELLFISH</b>						
CRABS, ROCK . . . . .	8,684	868	7,491	524	3,035	334
LOBSTERS, AMERICAN, UNCL. . . . .	116,600	163,976	441,573	640,281	309,318	448,511
SHRIMP, SALTWATER (HEADS-ON) . . . . .	263,503	91,353	-	-	-	-
CLAMS, SFT, PUBLIC MEATS 1 . . . . .	108,078	86,808	132,354	99,266	92,813	59,610
MUSSELS, SEA (MEATS) . . . . .	2,625	838	-	-	28,305	7,548
SCALLOPS, SEA (MEATS) . . . . .	7,559	14,406	64,091	110,448	40,049	73,856
<b>TOTAL SHELLFISH</b>	<b>507,449</b>	<b>358,249</b>	<b>645,509</b>	<b>850,219</b>	<b>473,520</b>	<b>590,859</b>
<b>GRAND TOTAL</b>	<b>1,543,369</b>	<b>144,281</b>	<b>918,789</b>	<b>939,119</b>	<b>2,517,290</b>	<b>737,425</b>

SEE NOTE ON PAGE 3.

(CONTINUED ON NEXT PAGE)

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U. S. F. NO. 6380

MAINE LANDINGS FOR SPECIFIED PERIODS, 1972 AND 1973

PAGE 3

SPECIES	(PRELIMINARY)			
	12 MONTHS ENDING WITH DECEMBER			
	1972		1973	
FISH	POUNDS	DOLLARS	POUNDS	DOLLARS
ALBIES . . . . .	2,216,420	49,559	2,891,509	66,522
BUTTERFISH . . . . .	-	-	59,029	5,472
BUTTERFISH, LARGE . . . . .	-	-	2,498	187
BUTTERFISH, UNCLASSIFIED . . . . .	657	209	-	-
COD, WHOLE . . . . .	265	46	556	67
COD, LARGE . . . . .	3,464,400	321,232	2,854,404	537,592
COD, MARKET . . . . .	944,250	115,018	1,098,529	149,712
COD, SCHOOL . . . . .	2,509	353	81,273	10,314
COD, . . . . .	431,969	59,076	577,727	61,213
FELS, COMMON . . . . .	70,210	24,578	75,490	26,555
FLOUNDERS, BLACKBACK . . . . .	279,358	57,942	379,036	28,488
FLOUNDERS, BLACKBACK, SMALL . . . . .	279,358	57,942	379,036	28,488
FLOUNDERS, JAG, SEA . . . . .	526,817	67,085	770,415	112,428
FLOUNDERS, FLUKE, MEDIUM . . . . .	-	-	35	7
FLOUNDERS, GRAY SOLE . . . . .	995,178	147,415	3,317,975	286,872
FLOUNDERS, FRENCH SOLE . . . . .	1,975	285	25,980	3,399
FLOUNDERS, YELLOWTAIL . . . . .	276,449	47,546	120,062	23,190
HAUDDOCK, LARGE . . . . .	688,698	164,148	509,893	114,605
HAUDDOCK, SC100 . . . . .	2,399	636	41,887	9,025
HAKE, RED . . . . .	-	-	89,448	9,813
HAKE, WHITE, LARGE . . . . .	2,955,198	174,371	209,155	19,091
HAKE, WHITE, MEDIUM . . . . .	14,332	1,697	1,079	153
HAKE, WHITE, UNCLASSIFIED . . . . .	-	-	1,930,181	172,179
HALIBUT . . . . .	74,668	51,175	60,043	54,084
HEPATING, SEA . . . . .	44,689,750	1,423,680	37,229,185	1,079,850
HERRING, ATLANTIC . . . . .	91,495	14,577	379,235	40,129
MINIADEN . . . . .	-	-	6,935,560	145,693
DEAN PERCH, ATLANTIC . . . . .	42,747,052	2,267,647	34,091,575	2,577,935
PIREDOCK . . . . .	1,325,868	92,623	2,356,762	187,118
SALMON, ATLANTIC . . . . .	100	100	43	49
SPARKS . . . . .	1,664	145	10,562	1,214
STATES . . . . .	-	-	3,220	248
SMELT, ATLANTIC . . . . .	73,490	16,587	92,479	38,170
STURGEON . . . . .	1,055	165	318	40
SHORPFISH . . . . .	-	-	406	525
TUNA, BLUEFIN . . . . .	252,487	30,157	107,201	43,956
WHITING . . . . .	4,094,469	330,938	5,517,104	299,255
MULLET . . . . .	17,851	956	20,245	1,017
UNCLASSIFIED FOR FOOD . . . . .	242,532	23,010	292,721	41,214
UNCLASSIFIED FOR INDUSTRIAL . . . . .	196,775	5,642	245,070	9,640
TOTAL FISH . . . . .	106,680,365	3,549,088	101,025,018	5,963,420
SHELLFISH				
CRABS, ROCK . . . . .	753,805	63,020	1,121,197	109,034
LOBSTERS, AMERICAN, UNCL . . . . .	16,256,467	18,587,655	17,044,194	23,269,839
SHRIMP, SEA WATER (MEATS) . . . . .	16,566,972	3,231,955	12,075,851	3,555,555
CLAMS, HARD (MEATS) . . . . .	6,653	7,475	5,117	2,913
CLAMS, SOFT, PUBLIC (MEATS) . . . . .	6,141,810	8,708,573	7,260,488	5,701,477
CONCHES (MEATS) . . . . .	6,083	1,069	679	350
MUSSELS, SEA (MEATS) . . . . .	280,740	70,826	439,489	114,030
PERIWINKLES (MEATS) . . . . .	29,683	29,952	27,859	28,312
SCALLOPS, SEA (MEATS) . . . . .	967,344	1,705,110	803,573	1,472,120
SQUID . . . . .	2,458	157	2,664	133
SEA URCHINS . . . . .	49,610	3,817	128,398	9,078
SEAWEED, IRISH MOSS . . . . .	325,000	8,938	852,000	26,939
BLOOMER . . . . .	703,986	1,325,895	805,158	1,744,812
SANDWORMS . . . . .	697,158	625,848	953,387	1,060,432
TOTAL SHELLFISH . . . . .	32,102,994	29,320,150	41,514,034	37,072,232
TOTAL . . . . .	138,783,359	3,578,238	142,539,052	6,000,652

NOTE: THESE QUALITATIVE AND COMPARATIVE MONTHLY DATA MAY INCLUDE REVISIONS. ALL WEIGHTS ARE SHOWN IN TERMS OF POUND (LIVE) WEIGHT, EXCEPT AS NOTED. WEIGHT OF SCALLOPS MEATS IS WEIGHT OF SHELL-CLOSING MUSCLE.





## Maryland Landings, December 1973

U.S. DEPARTMENT OF COMMERCE // National Oceanic and Atmospheric Administration  
National Marine Fisheries Service

Potomac River Fisheries Commission, Colonial Beach, Virginia 22443

(Preliminary)

NOTE:--THE CUMULATIVE AND COMPARATIVE MONTHLY DATA MAY INCLUDE REVISIONS. A MARYLAND OYSTER BUSHEL CONTAINS 8,000.7 CUBIC INCHES. ALL WEIGHTS SHOWN ARE IN TERMS OF ROUND (LIVE) WEIGHT, EXCEPT AS NOTED.

NOTE:--THE CUMULATIVE AND COMPARATIVE MONTHLY DATA MAY INCLUDE REVISIONS. A MARYLAND OYSTER BUSHEL CONTAINS 8,000.7 CUBIC INCHES. ALL WEIGHTS SHOWN ARE IN TERMS OF ROUND (LIVE) WEIGHT, EXCEPT AS NOTED.

## Massachusetts Landings, December 1973

USE OF DOCUMENT FOR COMMERCIAL PURPOSES // NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
NATIONAL MARINE FISHERIES SERVICE

MASSACHUSETTS LANDINGS BY PCATS, DECEMBER 1973

FISH MARKET.						
SPECIES	BOSTON		PORT		NEW BEDFORD	
	POUNDS	DOLLARS	POUNDS	DOLLARS	POUNDS	DOLLARS
ANGLIC FISH	-	-	10,380	1,059	-	-
COH. LARGE	124,837	36,614	165,649	44,769	79,220	20,981
COH. MARKET	176,070	59,874	287,009	78,463	380,151	102,693
COH. SCR. LARGE	107,052	34,275	172,716	32,405	239,540	64,086
COH.	-	-	-	-	475	47
CORP.	33,925	6,844	103,982	17,116	-	-
FLINDERS. ROCKBARK. LARGE	95,020	15,495	7,622	2,877	251,840	71,775
FLINDERS. BLACKBARK. SMALL	40	6	25	2	121,590	24,724
FLINDERS. DR. SEA	27,495	9,021	27,215	7,727	21,110	5,151
FLINDERS. FISH. LARGE	-	-	-	-	1,110	184
FLINDERS. FLUPP. MEDIUM	-	-	-	-	8,000	1,311
FLINDERS. FLUPP. SMALL	-	-	250	80	2,265	551
FLINDERS. FLUPP. SMALL	31,040	12,786	47,520	19,311	18,820	4,630
FLINDERS. LEMON SOL.	28,370	11,737	3,315	76	29,790	7,979
FLINDERS. YELLOWTAIL	38,095	11,728	19,025	5,714	2,647,763	778,967
GRADUCK. LARGE	9,173	59,209	58,407	34,766	64,160	37,066
HAUNDER.	6,104	2,108	19,176	6,709	23,009	5,772
HAUNDI K. SNAPPER.	4,503	1,609	895	248	-	-
HARK. RED	2,000	352	226,135	1,067	250	12
HARK. WHITE. UNCLASSED	86,465	18,425	37,225	7	-	-
HAT INIT.	1,055	494	1,799	1,592	46	20
HIPPING. SEA.	-	-	246,475	8,449	-	-
HACKINS. ATLANTIC	-	-	8,005	2,310	-	-
OCEAN. PERCH. ATLANTIC	158,780	23,599	408,000	58,364	-	-
PICKLECK	784,020	70,945	1,438,119	106,971	13,335	1,205
SHAD.	-	-	165	71	-	-
SHADCK. ATLANTIC	-	-	264	27	-	-
SKALE.	-	-	4,435	160	-	-
STIMPION.	-	-	114	17	-	-
SWORD FISH	-	-	96,150	3,774	1,677	71,676
WHITING	-	-	4,224	156	-	-
MUD FISH	8,000	75	104,000	175	54	54
UNIT. ASS. FISH. FISH. FISH	-	-	-	-	-	-
TOTAL FISH	1,621,164	356,202	4,639,147	639,520	3,692,723	1,066,577
SHELL FISH	-	-	-	-	-	-
GRAN. RED.	-	-	-	-	5,791	1,737
FLINDERS. AMERICAN. UNCL.	-	-	-	-	1,190	1815
FLINDERS. AMERICAN. SMALL	-	-	-	-	800	1,360
FLINDERS. CALIFORNIA. THE AUS. DR.	-	-	137,040	43,177	-	-
SCALLOPS. SEA (MATS)	-	-	-	-	213,768	601,245
SQUID	-	-	340	34	300	80
TOTAL	-	-	1,131,960	43,231	221,141	406,231
GRAND TOTAL	1,621,164	356,202	4,639,147	682,751	3,913,864	1,472,808

ALL NOTE ON PAGE 4

(CONTINUED ON NEXT PAGE)

PAGE 1  
MASSACHUSETTS LANDINGS BY PORTS, JANUARY - DECEMBER 1973 (CONTINUED)

SPECIES	PORT		12 MONTHS ENDING WITH DECEMBER			
	OTHER		1972		1973	
	POUNDS	DOLLARS	POUNDS	DOLLARS	POUNDS	DOLLARS
ALBIES, . . . . .	301,010	35,541	1,739,450	16,028	554,878	11,038
ANGLERFISH, . . . . .	1,195	186	291,020	16,824	476,400	53,823
BILLFISH, . . . . .	11,215	17,433	146,182	29,294	1,195	186
BLUEFISH, . . . . .	11,544	2,311	4,477	870	146,413	24,628
BONITO, . . . . .	30,217	15,228	-	-	11,544	2,311
BUTTERFISH, LARGE, . . . . .	42,497	9,400	505	101	30,217	15,228
BUTTERFISH, MEDIUM, . . . . .	210	22	-	-	50,712	11,938
BUTTERFISH, SMALL, . . . . .	31,869	7,712	116,705	23,334	210	22
BUTTERFISH, UNCLASSIFIED, . . . . .	2,053	458	14,408	2,592	82,395	7,820
COD, WHOLE, . . . . .	4,872,704	804,712	15,506,486	2,424,899	12,028,506	2,188,605
COD, LARGE, . . . . .	4,215,614	853,929	18,705,383	3,678,394	16,384,236	3,813,790
COD, MEDIUM, . . . . .	1,419,423	212,937	4,621,088	780,826	13,604,167	2,081,175
COD, SMALL, . . . . .	18,398	2,632	-	-	22,662	4,216
COD, UNCLASSIFIED, . . . . .	191,700	15,667	1,655,856	163,185	2,236,197	246,115
CUSH, . . . . .	20	3	-	-	180	35
EELS, COMMON, . . . . .	4,110	1,305	-	-	4,110	1,305
EELS, CONGER, . . . . .	2,308,574	610,696	7,923,204	1,965,694	7,711,127	3,920,363
FLOUNDER, BLACKBACK, LARGE, . . . . .	1,443,247	265,382	3,339,623	561,229	3,173,159	575,015
FLOUNDER, BLACKBACK, SMALL, . . . . .	102,867	57,528	37,618	22,463	2,516,665	516,455
FLOUNDER, OAG, SEA, . . . . .	187,641	78,119	27,152	12,175	147,357	74,971
FLOUNDER, FLUKE, MEDIUM, . . . . .	1,119,765	359,873	4,966,825	1,250,005	237,381	90,349
FLOUNDER, FLUKE, SMALL, . . . . .	289,122	87,477	1,856,740	483,606	12,505	14,189
FLOUNDER, GRAY SOLE, . . . . .	6,789,018	1,574,168	45,630,350	8,793,538	3,588,910	1,079,028
FLOUNDER, LEMON SOLE, . . . . .	128,836	34,403	1,462,629	417,021	1,449,097	603,844
FLOUNDER, YELLOWTAIL, . . . . .	143	19	4,668	7,934	40,519,723	9,181,972
FLOUNDER, UNCLASSIFIED, . . . . .	527,103	237,018	9,418,811	3,591,389	2,200	390
HADDOCK, LARGE, . . . . .	128,836	34,403	1,462,629	417,021	2,109,505	721,581
HADDOCK, SCOD, . . . . .	143	19	4,668	7,934	13,158	13,158
HADDOCK, SNAPPER, . . . . .	42,739	6,011	1,189,235	59,928	713,123	48,957
HAKE, RED, . . . . .	1,260	98	3,069,231	286,005	613,244	116,400
HAKE, WHITE, LARGE, . . . . .	49,806	57,942	145,684	130,208	109,689	17,267
HAKE, WHITE, MEDIUM, . . . . .	239,220	17,487	37,837,307	750,772	2,280,356	279,780
HAKE, WHITE, UNCLASSIFIED, . . . . .	264,343	56,967	2,153,920	171,594	129,428	151,259
HALLIBUT, . . . . .	2,362,145	45,225	11,919,507	164,070	107,478,880	236,718
KING WHITING OR "KINGFISH", . . . . .	1,714,145	94,506	11,312,676	1,041,028	812,623	133,576
MACKEREL, ATLANTIC, . . . . .	344,549	36,967	2,153,920	171,594	43,173,283	860,547
MENHADEN, . . . . .	2,362,145	45,225	11,919,507	164,070	17,568,448	1,552,281
OCEAN PERCH, ATLANTIC, . . . . .	3,693	312	16,028,898	1,020,626	1,242,552	25
POLLACK, . . . . .	1,714,145	94,506	11,312,676	1,041,028	11,559,545	1,242,552
SALMON, ATLANTIC, . . . . .	117,172	44,207	-	-	25	25
SCUP OR PORGY, LARGE, . . . . .	117,172	44,207	10	4	120,272	45,271
SCUP OR PORGY, MEDIUM, . . . . .	327,482	90,830	31,471	14,407	356,002	97,323
SCUP OR PORGY, SMALL, . . . . .	15,913	4,950	-	-	17,916	4,314
SCUP OR PORGY, UNCLASSIFIED, . . . . .	140,300	46,476	494,347	186,637	145,300	46,476
SEA BASS, LARGE, . . . . .	82,326	26,919	-	-	32,631	87,175
SEA BASS, MEDIUM, . . . . .	1,840	215	3,189	460	11,856	1,390
SEA BASS, SMALL, . . . . .	9,667	4,041	-	-	9,932	4,085
SEA BASS, UNCLASSIFIED, . . . . .	7,340	3,581	33,053	16,632	7,340	3,581
SEA TROUT, GREY, LARGE, . . . . .	1,840	215	3,189	460	2,679	318
SEA TROUT, GREY, MEDIUM, . . . . .	395	39	140	40	108	24
SEA TROUT, GREY, SMALL, . . . . .	132	6	1,566	65	1,185	139
SHAD, BUCK, . . . . .	239,185	280,078	70,116	79,881	1,836	252
SHAD, ROCK, . . . . .	28,634	21,981	32,201	11,902	551,461	651,492
SHARKS, GRAYFISH, . . . . .	111,819	25,066	3,942	483	36,087	9,110
SKATES, . . . . .	715,020	316,293	1,227,453	150,298	112,419	25,116
STURGEON, . . . . .	-	-	-	-	1,553,873	586,606
SWORDFISH, . . . . .	-	-	-	-	70	35
TAUTOG, . . . . .	-	-	-	-	875	131
TILAPIA, . . . . .	-	-	-	-	25,474,166	1,689,088
TUNA, BLUEFIN, . . . . .	715,020	316,293	1,227,453	150,298	821,026	39,677
TUNA, SKIPJACK, . . . . .	-	-	-	-	8,466,936	1,508,563
TUNA, UNCLASSIFIED, . . . . .	-	-	-	-	7,576	1,416
WHITING, . . . . .	2,192,817	200,405	11,227,760	1,058,685	6,460,579	1,214,452
WOLFISH, . . . . .	237,380	11,825	643,849	42,351	-	-
UNCLASSIFIED FOR FOOD, . . . . .	419,187	73,445	3,979,199	723,880	-	-
UNCLASSIFIED FOR FODDER, . . . . .	3,468	254	21,332	3,449	-	-
UNCLASSIFIED, SPAWN, . . . . .	601,859	17,212	1,435,970	22,427	-	-
UNCLASSIFIED FOR INDUSTRIAL, . . . . .	38,513,792	6,420,476	222,848,072	31,123,121	268,435,002	34,827,376
TOTAL FISH						
SHELLFISH						
CRABS, BLUE, . . . . .	94,172	28,251	-	-	152,450	45,734
CRABS, ROCK, . . . . .	8,595	1,670	-	-	8,595	1,670
LOBSTERS, AMERICAN, UNCL., . . . . .	247,129	436,513	2,206,478	3,038,765	150,499	574,236
LOBSTERS, AMERICAN, SMALL, . . . . .	93	140	4,197	7,409	4,093	6,629
LOBSTERS, AMERICAN, SELECT, . . . . .	251,592	423,052	4,197	7,409	274,447	471,457
LOBSTERS, AMERICAN, LARGE, . . . . .	215,269	340,300	680	952	290,640	394,073
LOBSTERS, AMERICAN, JUVENILE, . . . . .	27,148	43,445	3,671	6,434	27,148	43,445
SHRIMP, SALTWATER INLAND, . . . . .	100	16	7,726,256	1,324,791	8,127,854	2,074,514
CLAMS, OCEAN QUAHOG (QUATS), . . . . .	170	11	-	-	170	11
CONCHES (MEATS), . . . . .	9,908	2,260	-	-	9,908	2,260
SCALLOPS, SEA (MEATS), . . . . .	319,861	562,661	3,435,148	6,883,620	3,174,373	5,563,749
SQUID, . . . . .	631,290	104,864	683,209	83,010	920,095	142,478
TOTAL SHELLFISH	1,802,822	1,253,098	19,059,637	11,340,981	13,620,417	2,026,378
GRAND TOTAL	20,116,614	3,673,574	241,908,109	32,464,102	282,105,424	46,853,754

Notes-The cumulative and compressive monthly data may include revisions. All weights shown are in terms of round (live) weights, except as noted. The grades or sizes given for certain species are those recognized in the trade. "Whale" cod are classified as weighing over 25 lbs.; "large" cod are 10 to 25 lbs.; "medium" cod, 1.5 to 10 lbs.; and "small" cod, .5 to 1.5 lbs. "Large" blackback flounders are 1 to 3.5 lbs.; "medium" blackback flounders, 0.75 to 1 lb.; "small" blackback flounders are 0.5 to 1 lb.; "large" haddock are over 2.5 lbs.; "medium" haddock are 1.5 to 2.5 lbs.; and "small" haddock, under 1.5 lbs. "Large" hake are over 1 lb.; and "medium" hake are 0.5 to 1 lb.

Data shown in the foregoing table, "Massachusetts Landings by Ports", are not included in the table entitled "Supplemental Massachusetts Landings, by Counties."

NOAA XCFA-6384 NA-5



CURRENT FISHERIES STATISTICS NO. 6384

# New Jersey Landings, December 1973

Washington, D.C.  
February 28, 1974

U.S. DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
FISHERY RESEARCH BOARD

In cooperation with the New Jersey Department of Environmental Protection,  
Division of Fish, Game, and Shellfisheries, Trenton, New Jersey 08625

## NEW JERSEY LANDINGS BY COUNTIES, DECEMBER 1973

SPECIES	(PRELIMINARY)					
	MONMOUTH		OCEAN		BURLINGTON	
	POUNDS	DOLLARS	POUNDS	DOLLARS	POUNDS	DOLLARS
<b>FISH</b>						
BLUEFISH	74	10	1,302	181	-	-
BUTTERFISH, UNCLASSIFIED	600	150	4,539	1,190	-	-
COD	1,339	806	3,530	925	-	-
FLLS, COMMON	35	9	-	-	-	-
FLOUNDER, BLACKBACK	744	92	2,600	312	-	-
FLOUNDER, FLUKE	-	-	3,828	1,568	-	-
FLOUNDER, GRAY S.E.	-	-	6,502	1,701	-	-
FLOUNDER, YELLOWTAIL	5,354	642	2,591	259	-	-
HAKE, RED	12,988	909	132,735	10,185	-	-
HAKE, WHITE, UNCLASSIFIED	-	-	15,338	2,761	-	-
HERRING, SEA	5,908	295	-	-	-	-
HACKEREL, ATLANTIC	47	12	6,749	1,376	-	-
POLLOCK	-	-	69	12	-	-
SCUP OR PORGY, UNCLASSIFIED	1,780	463	66,771	16,814	-	-
SEA BASS, UNCLASSIFIED	-	-	877	566	-	-
SEA TROUT, GREY	1,978	695	4,257	970	-	-
SHAD	70	7	100	10	-	-
SPOT	18	2	-	-	-	-
STAINED BASS	224	52	19,411	3,151	-	-
TAUTOG	131	9	-	-	-	-
WHEATFISH	-	-	40,461	27,138	-	-
WHITE PERCH	534	118	3,900	897	-	-
WHITING	88,795	9,767	615,124	67,866	-	-
UNCLASSIFIED FOR FOOD	20	3	225	34	-	-
<b>TOTAL FISH</b>	<b>120,651</b>	<b>13,341</b>	<b>826,309</b>	<b>137,674</b>		
<b>SHELLFISH</b>						
CRABS, BLUE, HARD	25,600	7,680	6,960	2,688	-	-
CRABS, RED	-	-	332	20	-	-
CRABS, ROCK	-	-	5,600	354	-	-
LOBSTERS, AMERICAN, UNCL.	2,584	4,922	54,704	95,333	-	-
CLAMS, HARD (MEATS)	1,200	1,140	20,010	19,010	-	-
CLAMS, SURF (MEATS)	9,027	1,593	253,198	37,715	-	-
OYSTERS (MEATS)	-	-	2,100	4,200	-	-
SCALLOPS, BAY (MEATS)	-	-	35,231	37,748	-	-
SCALLOPS, SEA (MEATS)	-	-	15	30	-	-
SQUID	2,279	912	41,594	16,190	-	-
<b>TOTAL SHELLFISH</b>	<b>40,690</b>	<b>17,857</b>	<b>421,599</b>	<b>213,288</b>		
<b>GRAND TOTAL</b>	<b>161,341</b>	<b>31,198</b>	<b>1,247,908</b>	<b>350,962</b>		

SEE NOTE ON PAGE 4.

(CONTINUED ON NEXT PAGE)





CURRENT FISHERIES STATISTICS NO. 6383

## New York Landings, December 1973

Washington, D.C. March 8, 1974

U.S. DEPARTMENT OF COMMERCE // National Oceanic and Atmospheric Administration  
National Marine Fisheries Service

In cooperation with the New York Department of Environmental Conservation, Division of Marine and Coastal Resources, Stony Brook, New York 11790

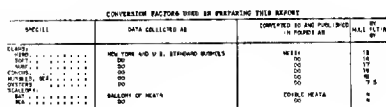
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NOTE: SOME QUALITATIVE AND COMPARATIVE MEASUREMENT DATA MAY INCLUDE REPHASINGS. ALL WEIGHTS ARE SHOWN IN TERMS OF ROUNDS (LPG) WEIGHT, EXCEPT AS NOTED. DATA DO NOT INCLUDE UNCLASSIFIED FISH AND PURSE-DIE CATCHES MEASURED FOR REJECTION.



NOAA XCFSA 6382 NA 3



CURRENT FISHERIES STATISTICS NO. 6382

# Rhode Island Landings, December 1973

Washington, D.C.  
February 28, 1974

U.S. DEPARTMENT OF COMMERCE / NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
FISHERY RESEARCH SERVICE

In cooperation with the Rhode Island Department of Natural Resources,  
Division of Conservation, Providence, R.I. 02903

RHODE ISLAND LANDINGS, DECEMBER 1972 AND 1973

SPECIES	DECEMBER			
	1972		1973	
	POUNDS	DOLLARS	POUNDS	DOLLARS
<b>FISH</b>				
ANGLER FISH, . . . . .	1,787	139	7,036	708
BLUFF FISH, . . . . .	-	-	891	121
BUTTER FISH, LARGE . . . . .	5,665	2,115	86,892	30,868
BUTTER FISH, MEDIUM . . . . .	15,262	3,204	735	334
COD, WHALE, . . . . .	287	66	-	-
COD, LARGE, . . . . .	36,258	11,307	26,298	6,332
COD, MARKET . . . . .	173,483	48,607	187,815	45,935
COD, SCROD, . . . . .	50,885	6,900	57,825	8,246
EELS, COMMON, . . . . .	192	77	-	-
EELS, CONGER, . . . . .	6,042	1,134	2,974	1,368
FLOUNDER, BLACKBACK, . . . . .	141,928	37,415	116,117	32,829
FLOUNDER, BLACKBACK, SMALL . . . . .	127,558	14,370	87,148	12,575
FLOUNDER, OAR, SEA, . . . . .	1,735	314	140	41
FLOUNDER, FLUKE, LARGE, . . . . .	548	403	7,384	2,384
FLOUNDER, FLUKE, MEDIUM, . . . . .	548	166	6,308	1,515
FLOUNDER, FLUKE, SMALL, . . . . .	345	53	3,497	713
FLOUNDER, GRAY SOLE, . . . . .	14,188	3,352	7,580	2,098
FLOUNDER, LEWIS SOLE, . . . . .	17,871	7,420	31,608	12,283
FLOUNDER, YELLOWTAIL, . . . . .	1,542,635	287,122	849,132	172,188
HADDOCK, LARGE, . . . . .	26,513	11,590	4,144	1,987
HADDOCK, SCROD, . . . . .	996	294	2,107	564
HAKI, RED, . . . . .	117,949	4,268	72,350	3,217
HAKI, WHITE, LARGE, . . . . .	10,318	823	-	-
HAKI, WHITE, MEDIUM, . . . . .	9,613	521	-	-
HAKI, WHITE, UNCLASSIFIED, . . . . .	-	-	3,778	324
HERRING, SEA, . . . . .	548,691	13,783	213	11
HACKEREL, ATLANTIC, . . . . .	1,686	109	5,841	1,953
POLLOCK, . . . . .	1,062	87	542	33
SCUP OR PORGY, LARGE, . . . . .	2,555	831	12,246	4,464
SCUP OR PORGY, MEDIUM, . . . . .	-	-	30,638	12,674
SCUP OR PORGY, SMALL, . . . . .	-	-	13,723	2,336
SEA BASS, LARGE, . . . . .	-	-	306	218
SEA BASS, SMALL, . . . . .	-	-	76	28
SEA BASS, UNCLASSIFIED, . . . . .	-	-	28	13
SEA TROUT, GREY, . . . . .	-	-	170	30
SHARKS, GRAY FISH, . . . . .	3,773	241	534	40
SKATES, . . . . .	-	-	1,486	128
STARFISH, . . . . .	929	321	51	20
STURGEON, . . . . .	22	3	-	-
TAUTOG, . . . . .	3,690	554	559	90
TILE FISH, . . . . .	22	5	-	-
WHITE PERCH, . . . . .	2,339	554	6,380	2,226
WHITING, . . . . .	182,397	16,514	396,055	29,191
WOLF FISH, . . . . .	66	-	-	-
UNCLASSIFIED FOR FOOD, . . . . .	32,752	7,270	5,855	1,123
UNCLASSIFIED FOR INDUSTRIAL, . . . . .	1,182,610	9,887	3,459,409	54,523
<b>TOTAL FISH</b>	<b>9,205,602</b>	<b>531,827</b>	<b>5,278,252</b>	<b>143,733</b>

SEE NOTE ON PAGE 3.

(CONTINUED ON NEXT PAGE)



C. P. 6. NO. 6082

RHODE ISLAND LANDINGS FOR SPECIFIED PERIODS, 1972 AND 1973

PAGE 3

SPECIES	12 MONTHS ENDING WITH DECEMBER			
	1972		1973	
	POUNDS	DOLLARS	POUNDS	DOLLARS
<b>FISH</b>				
ALBIES, . . . . .	-	112	-	2
ANCHOVIES, . . . . .	10,738	1,874	415	104
ANGLERFISH, . . . . .	14,619	864	86,014	9,168
BLUEFISH, . . . . .	311,367	49,945	277,783	40,363
BONITO, . . . . .	34,109	6,710	56,422	19,388
BUTTERFISH, LARGE, . . . . .	141,038	53,042	817,517	228,149
BUTTERFISH, MEDIUM, . . . . .	35,195	5,289	362,112	83,810
BUTTERFISH, SMALL, . . . . .	-	-	2,527	399
BUTTERFISH, UNCLASSIFIED, . . . . .	90,666	25,717	121,464	41,239
COD, WHALE, . . . . .	287	-	66	61
COD, LARGE, . . . . .	458,177	92,023	382,820	75,759
COD, MARKET, . . . . .	1,799,875	351,539	1,606,763	315,530
COD, SCROD, . . . . .	122,938	14,604	972,941	97,113
COD, . . . . .	14,086	2,550	13,362	2,866
CUSK, . . . . .	3,821	505	2,034	83
EELS, COMMON, . . . . .	7,218	1,684	4,416	1,334
EELS, CONGER, . . . . .	12,811	2,815	12,432	4,256
FLOUNDER, BLACKBACK, . . . . .	2,774,548	619,325	2,174,470	567,611
FLOUNDER, BLACKBACK, SMALL, . . . . .	1,659,794	186,976	2,259,727	309,574
FLOUNDER, DAB, SEA, . . . . .	359,139	86,504	341,562	53,984
FLOUNDER, FLUKE, LARGE, . . . . .	201,112	115,416	377,673	209,235
FLOUNDER, FLUKE, . . . . .	38,995	25,712	45,593	28,740
FLOUNDER, FLUKE, MEDIUM, . . . . .	27,420	11,403	150,660	54,338
FLOUNDER, FLUKE, SMALL, . . . . .	8,145	1,875	46,101	8,837
FLOUNDER, GRAY SOLE, . . . . .	652,575	204,933	674,284	150,408
FLOUNDER, LEMON SOLE, . . . . .	345,784	126,499	311,986	111,706
FLOUNDER, YELLOWTAIL, . . . . .	19,455,973	2,891,115	18,881,768	3,593,258
FRIGATE MACKEREL, . . . . .	36,855	4,572	41,333	3,640
HADDOCK, LARGE, . . . . .	290,040	109,296	182,770	74,480
HADDOCK, SCROD, . . . . .	20,631	6,554	47,688	10,409
HADDOCK, SNAPPER, . . . . .	9,135	412	-	-
HAKE, RED, . . . . .	476,792	17,584	401,596	20,324
HAKE, WHITE, LARGE, . . . . .	39,290	3,092	13,323	1,351
HAKE, WHITE, MEDIUM, . . . . .	87,964	3,504	95,485	5,330
HAKE, WHITE, UNCLASSIFIED, . . . . .	-	-	24,575	1,744
MULLLET, . . . . .	1,493	805	180	82
MULLLET, SEA, . . . . .	5,063,962	111,007	9,342,043	241,045
KING WHITING OR HINGFISH, . . . . .	473	92	-	-
MACKEREL, ATLANTIC, . . . . .	747,685	46,972	1,296,618	141,614
MENHADEN, . . . . .	17,663,065	204,299	15,962,020	393,984
MULLET, . . . . .	200	60	-	-
OCEAN PORCH, ATLANTIC, . . . . .	11,445	622	11,885	1,074
OCEAN POUT, . . . . .	-	-	323	-
POLLOCK, . . . . .	239,996	2,194	27,227	1,866
PORPOISE, . . . . .	-	-	405	176
SCUP OR PORGY, LARGE, . . . . .	728,417	195,699	512,764	136,461
SCUP OR PORGY, MEDIUM, . . . . .	-	-	628,444	132,250
SCUP OR PORGY, SMALL, . . . . .	-	-	421,474	47,482
SCUP OR PORGY, UNCLASSIFIED, . . . . .	1,609,553	612,615	1,759,099	527,274
SEA BASS, LARGE, . . . . .	-	-	10,988	6,766
SEA BASS, SMALL, . . . . .	-	-	1,551	441
SEA BASS, UNCLASSIFIED, . . . . .	46,154	19,742	21,572	10,590
SEA ROBIN, . . . . .	139,079	2,555	191,457	3,028
SEA TROUT, GREY, . . . . .	179,733	28,476	177,821	39,722
SHAD, . . . . .	13,709	598	2,487	135
SHARKS, GRAYFISH, . . . . .	163,397	784	22,977	1,131
SHARKS, . . . . .	31,281	1,420	888	84
SKATES, . . . . .	1,855	504	12,732	1,093
STRIPED BASS, . . . . .	305,698	113,401	623,435	219,868
STURGEON, . . . . .	2,147	228	1,137	104
SWORFISH, . . . . .	123,692	152,060	53,938	89,568
AUTOG, . . . . .	37,550	2,433	32,213	2,761
TILEFISH, . . . . .	8,496	1,417	38,185	13,999
TUNA, BLUEFIN, . . . . .	10,482	1,805	8,669	3,115
WHITE PERCH, . . . . .	20,546	6,298	20,400	5,749
WHITING, . . . . .	2,152,746	284,981	3,094,354	309,569
WOLFFISH, . . . . .	10,132	700	12,717	494
UNCLASSIFIED FOR FOOD, . . . . .	416,243	94,380	387,192	95,760
UNCLASSIFIED, SPRAWN, . . . . .	-	-	165	16
UNCLASSIFIED FOR INDUSTRIAL, . . . . .	14,019,833	108,950	24,076,970	338,081
<b>TOTAL FISH</b>	<b>26,933,519</b>	<b>6,016,387</b>	<b>89,506,218</b>	<b>8,611,760</b>
<b>SHELLFISH</b>				
CRABS, RED, . . . . .	932	292	95,430	25,485
CRABS, ROCK, . . . . .	67,565	18,988	209,708	45,973
LOBSTERS, AMERICAN, UNCL, . . . . .	3,028,176	3,895,547	1,375,716	2,087,923
LOBSTERS, AMERICAN, SMALL, . . . . .	18,133	22,702	-	-
LOBSTERS, AMERICAN, SELECT, . . . . .	250,287	321,051	541,541	1,522,841
LOBSTERS, AMERICAN, LARGE, . . . . .	13,938	13,826	312,497	407,490
CLAMS, HARD (MEATS), . . . . .	880,300	861,612	924,501	1,078,708
CLAMS, OCEAN QUAHOG (MEATS), . . . . .	19,391,674	235,135	1,456,210	249,651
CLAMS, SOFT, PUBLIC (MEATS), . . . . .	34,355	34,483	21,906	21,745
CLAMS, SURF (MEATS), . . . . .	130,908	27,274	17,112	3,661
CONCHES (MEATS), . . . . .	117,390	42,580	119,507	63,937
OYSTERS (MEATS), . . . . .	24	28	-	-
SCALLOPS, SEA (MEATS), . . . . .	20,089	39,122	22,363	37,628
SQUID, . . . . .	750,349	134,049	1,620,577	361,174
<b>TOTAL SHELLFISH</b>	<b>6,709,340</b>	<b>5,053,552</b>	<b>7,113,068</b>	<b>5,925,865</b>
<b>GRAND TOTAL</b>	<b>33,642,859</b>	<b>11,070,039</b>	<b>96,619,286</b>	<b>14,537,625</b>

NOTE: THE CUMULATIVE AND COMPARATIVE MONTHLY DATA MAY INCLUDE REVISIONS. QUANTITIES SHOWN ARE IN TERMS OF LIVE WEIGHT, EXCEPT AS NOTED. SCALLOP MEATS ARE SHELL-CLIPPING MEATS.

**SUMMARY AND COMPARISON OF  
FISH FILLETS AND STEAKS, 1972-73**

Species	1972 1/		Fresh or frozen		1973 1/	
	Pounds	Dollars	Pounds	Dollars	Pounds	Dollars
Bluefish	(2)	(2)	120,500	80,200		
Buffalo fish	83,470	34,484	117,470	50,984		
Cod	2,068,110	852,581	1,851,910	813,038		
Cook	12,342,408	9,215,877	16,868,183	13,482,075		
Cusk	540,813	305,432	1,055,982	854,354		
Flounder	38,580,438	32,734,057	40,026,682	40,828,757		
Grouper	434,707	580,612	194,983	227,524		
Haddock	5,102,945	6,794,434	6,430,972	9,104,032		
Hake	764,528	394,197	1,067,081	893,270		
Halibut	12,139,751	11,193,245	8,511,466	8,009,294		
Herring lake	30,645	15,502	8,025	1,804		
King mackerel	73,483	66,134	433,705	420,666		
Lake trout	245,650	300,396	308,825	409,735		
Lingcod	1,351,635	540,254	1,248,800	838,465		
Ocean perch						
Atlantic	17,540,057	1,378,537	15,628,399	8,182,772		
Pacific	2,788,451	308,578	2,836,795	1,430,768		
Pike or pickerel	89,774	50,570	74,034	52,732		
Pollock	3,065,085	4,222,422	5,634,053	2,938,015		
Rockfish	8,181,333	1,628,489	7,227,239	3,392,547		
Sablefish	225,051	257,848	458,488	145,224		
Salmon	5,213,935	1,281,093	2,026,875	2,710,132		
Sauger	(2)	(2)	111,500	168,200		
Sea bass	124,900	65,593	(2)	(2)		
Sea trout	79,131	66,302	180,161	147,743		
Shad	48,000	120,000	48,000	125,000		
Snapper, red	179,814	390,690	154,214	288,136		
Sport mackerel	1,475,900	940,515	1,876,406	1,327,762		
Turbot	(2)	(2)	74,107	512,810		
Whitefish	1,038,735	1,157,700	1,110,605	1,357,055		
Whiting	158,361	51,325	2,749,709	1,081,039		
Wolffish	109,446	54,338	69,107	35,273		
Yellow perch	1,690,251	2,226,418	2,209,875	3,127,144		
Yellow pike	737,192	942,853	726,209	958,208		
Unclassified	11,573,425	1,788,031	9,749,747	5,865,290		
Total	126,843,362	11,938,025	129,861,410	108,669,129		

1/ Does not include 11.0 million pounds of dressed and skinned farm-raised catfish value at \$8.8 million in 1972 and 11.8 million pounds value at \$12.0 million in 1973. 2/ Included with unclassified.

**PRODUCTION OF FRESH AND FROZEN GROUND FISH AND  
ATLANTIC OCEAN PERCH FILLETS AND STEAKS, 1945-73**

Year	Cod		Cusk		Haddock	
	Pounds	Dollars	Pounds	Dollars	Pounds	Dollars
1945	28,864,053	7,451,670	419,450	100,987	44,197,235	12,349,428
1946	18,132,363	4,747,044	381,781	94,641	42,440,850	12,986,830
1947	14,032,307	3,458,453	740,451	181,754	43,205,411	12,084,469
1948	13,878,860	3,489,641	775,877	187,059	42,218,022	11,853,036
1949	13,651,765	3,231,621	614,206	140,634	42,138,796	11,844,771
1950	13,098,242	3,108,386	637,944	127,686	51,197,245	14,277,013
1951	13,289,800	3,436,864	585,045	140,476	50,650,527	14,545,679
1952	11,683,782	3,004,176	668,894	176,827	52,064,681	15,380,669
1953	11,406,329	2,988,202	535,811	124,528	44,333,867	13,011,059
1954	12,241,090	2,845,233	340,446	84,458	45,867,280	11,571,843
1955	11,737,298	2,784,614	380,213	101,514	38,276,221	9,849,453
1956	10,231,752	2,605,703	359,559	102,708	44,229,749	11,272,626
1957	10,078,158	2,488,778	294,757	86,384	39,401,458	11,792,601
1958	11,813,012	3,414,430	221,917	68,850	33,357,006	11,602,854
1959	12,582,979	3,252,205	362,121	111,673	30,613,344	10,142,673
1960	9,483,375	2,851,204	350,365	98,263	33,324,472	10,839,151
1961	10,127,653	3,204,361	340,249	97,547	38,180,253	12,009,215
1962	11,236,141	3,618,634	318,075	99,474	41,552,544	14,170,283
1963	10,431,747	3,396,155	262,712	82,204	36,707,813	13,283,883
1964	10,115,937	3,351,016	325,784	98,135	37,330,688	13,700,619
1965	9,974,741	3,529,971	295,079	91,900	40,153,932	16,285,840
1966	10,284,471	3,906,869	371,864	118,392	40,110,939	16,985,850
1967	14,008,302	5,409,103	514,121	150,658	39,059,254	15,576,230
1968	13,954,602	5,338,010	511,181	181,063	22,350,641	12,162,110
1969	15,595,375	6,860,398	572,257	221,170	13,352,909	8,491,780
1970	13,618,772	7,444,305	500,771	207,546	8,857,003	6,926,883
1971	14,970,047	8,143,855	483,755	239,509	6,737,781	8,633,178
1972	12,342,408	8,215,877	540,813	305,432	5,012,945	8,784,434
1973	16,868,183	13,482,075	1,055,982	854,354	6,430,972	9,104,032

NOAA XCFS- 6408 MF-3

CURRENT FISHERIES STATISTICS NO. 6408

# U.S. Production of Fish Fillets and Steaks, 1973

## ANNUAL SUMMARY (Preliminary)



Washington, D.C.  
April 1, 1974

U.S. DEPARTMENT OF COMMERCE / National Oceanic and Atmospheric Administration  
National Marine Fisheries Service

### SUMMARY OF PRODUCTION OF FISH FILLETS AND STEAKS, 1973

Item	Fillets		Steaks		Total	
	Pounds	Dollars	Pounds	Dollars	Pounds	Dollars
Fresh	72,772,889	67,780,569	8,164,701	731,527	73,937,590	68,512,096
Frozen	47,702,697	30,060,904	8,160,823	10,096,132	55,863,520	40,157,033
Total	120,475,586	97,841,473	16,325,524	10,827,659	126,801,110	108,669,129

### PRODUCTION OF FRESH AND FROZEN FISH FILLETS AND STEAKS, BY SECTIONS, 1973

Species	New England		Middle Atlantic		Chesapeake, South Atlantic, and Gulf	
	Pounds	Dollars	Pounds	Dollars	Pounds	Dollars
Bluefish	—	—	—	—	120,500	80,200
Cod	13,046,828	10,558,524	1,424,820	1,687,593	—	—
Cook	1,055,092	654,364	—	—	—	—
Flounders	27,296,946	26,006,939	2,031,560	3,623,523	3,935,716	3,513,102
Groceries	—	—	—	—	194,983	227,524
Haddock	5,430,972	9,104,022	—	—	—	—
Hake	1,033,701	559,389	34,100	33,810	—	—
Halibut	832,704	947,690	—	—	—	—
King mackerel	—	—	—	—	433,706	420,656
Ocean perch, Atlantic	15,628,399	8,182,772	—	—	—	—
Perflock	5,609,853	2,917,465	24,200	20,520	—	—
Salmon	108,144	298,234	—	—	188,161	147,743
Sea trout	—	—	—	—	—	—
Shad	48,000	125,000	—	—	—	—
Spratling and Spanish mackerel	—	—	—	—	154,214	296,136
Whiting	2,716,203	1,081,039	—	—	1,876,406	1,327,762
Woolfish	60,107	35,273	—	—	—	—
Unclassified	4,420,826	697,700	36,760	55,182	1,790,328	1,266,307
Total	78,423,267	63,026,421	3,533,460	5,431,198	8,701,014	7,299,440

Species	Great Lakes and Mississippi River		Pacific Coast	
	Pounds	Dollars	Pounds	Dollars
Buttfish	117,479	50,984	—	—
Carp	1,861,910	513,059	—	—
Cod	—	—	2,393,418	1,276,988
Flounders	—	—	6,764,451	4,694,903
Halibut	—	—	6,676,762	7,061,604
Herring, lake	6,075	3,804	—	—
Lake trout	398,825	409,735	—	—
Lumpfish	—	—	1,245,800	636,405
Ocean perch, Pacific	—	—	2,636,705	1,430,768
Pike or pickerel	24,034	52,732	—	—
Rockfishes	—	—	7,223,239	3,392,547
Sablefish	—	—	468,488	145,224
Salmon	72,000	88,410	1,756,731	2,362,498
Skeeter	111,500	109,200	—	—
Turbot	533,000	405,600	206,079	167,210
Whitefish	1,110,905	1,327,068	—	—
Yellow perch	2,208,875	2,127,144	—	—
Yellow pike	728,209	955,208	—	—
Unclassified	2,822,824	3,264,815	556,708	361,266
Total	9,944,277	10,366,787	20,230,302	21,610,263

Senator STEVENS. We have one other witness here. Do you have a statement to make?

**STATEMENT OF RALPH J. SPINELLO, SECRETARY-BUSINESS  
AGENT, SEINE & LINE FISHERMEN'S UNION**

Mr. SPINELLO. I have submitted my prepared statement, sir, if you don't have the time.

Senator STEVENS. All right, it will be included in the record.

Thank you.

Mr. SPINELLO. Thank you, sir.

[The statement follows:]

STATEMENT BY RALPH SPINELLO, SECRETARY-BUSINESS AGENT OF THE SEINE & LINE FISHERMEN'S UNION, AFFILIATED WITH THE SEAFARER'S INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO, OF SAN PEDRO, CALIF.

Mr. Chairman and Members of the Committee, thank you for this opportunity to speak to you today on a matter of great importance to unions involved in our nation's fisheries. My name is Ralph Spinello and I represent 800 working fishermen who are members of the Seine & Line Fishermen's Union of San Pedro, California, affiliated with the Seafarer's International Union of North America, AFL-CIO. I am the Secretary-Business Agent and I am here to reinforce my testimony given before Senator Tunney on April 18 in San Diego.

All the members of my union are one hundred per cent opposed to S.1988 and I know this holds true of other unions involved in the fishing and canning of tuna.

The preceding information provided by Mr. Broadhead on the economics of the tuna industry serves to highlight the problems that a 200-mile limit would produce. Gentlemen, my concern is to keep my members working in gainful employment. What this proposed legislation does is threaten thousands and thousands of American jobs. What it will do in the case of my union, in our opinion, is to wipe out the jobs of my members. I earnestly urge that you give serious consideration to our problems and not pass this legislation. Thank you.

Senator TUNNEY. Before we quit, I would like to throw out the suggestion that the Commerce Committee might very well, as a committee, ask the Attorney General of the United States for some kind of an interpretation as to what is required to implement the provisions of article VII of the 1958 Geneva Convention in order that we would be able to conserve unilaterally our coastal fisheries.

It seems to me our record would not be complete unless we had this information available to us. I think it is an extremely important point. It has not been brought to my attention—and I am not expert in this area. I have just recently, really within the last few weeks, gotten heavily involved in it. But I think it would be a very valuable opinion for this committee to have.

Senator STEVENS. Well, I have asked the State Department personally. I am sure I would join the chairman in making that request if you want to do it.

I will ask the staff to talk to the chairman and see what he wants to do on that as far as asking the Attorney General for an opinion on it.

Senator TUNNEY. Yes. It is my understanding that the Japanese and Russians have not signed the treaty. On the other hand, I am not sure that that really is all that important, and we ought to find out if

it is all that important. Because if we have, under the treaty, a right to conserve our coastal fisheries, it would seem to me that it would not make all that much difference if the Japanese and Soviets had signed it.

We might have some problems with the Japanese and Russians if we did try to conserve our fisheries if they were not signatories of it.

But those are questions that I don't feel qualified to answer. I think we are going to have to have advice from the State Department as well as from the Attorney General, and I think we ought to have those official statements made available to members of this committee.

Senator STEVENS. I think it is a question we ought to have answered. They aren't members of the treaty and wouldn't be too effective up our way. The effect of this legislation unilaterally would be the same as following the NFI recommendation as far as the North Pacific is concerned.

Mr. FELANDO. Except it would be a rifle shot for those fisheries that are in trouble.

And S. 1988 does three things. We think it undermines and, in fact, destroys the two existing treaties that provide protection to the tunas in the sense of conservation, the Pacific treaty and the Atlantic treaty, and in effect almost makes it impossible for any future such organizations to come about.

The third thing that it does is it destroys the application, the practical application, of the Federal statute that does provide us protection, at least in the sense of providing us with a rationale, some assistance, for access to the grounds that are essential to our economic survival. I am referring to the Fisherman's Protective Act.

Senator STEVENS. I am sure you know that there is 100 percent support by the Alaska fishermen—seiners, salmon fishermen, pollock, halibut, shrimp, scallops, king crab, tanner crab. We held 4 days of hearings in Alaska and there was not one dissenting voice raised against this bill. And many of them are members of the associations that you people have mentioned.

Senator TUNNEY. There is also another element that concerns me, and I haven't resolved it in my own mind. And that is what the impact of this legislation would have on our negotiating position in Caracas. And that is the fourth element which I think is important.

And I really think that we ought to have advice from the State Department and the Attorney General of the United States on article VII of the Geneva Convention that I earlier suggested, because I think it is fundamental to our determination on this.

Senator STEVENS. Off the record.

[Discussions off the record.]

Senator STEVENS. There are two additional witnesses, I understand. We have run into a time frame problem. I have had a group of Alaskans waiting for me since 12 o'clock.

I will continue the hearing at 2 o'clock if we can get a room.

Who are the two witnesses? Mr. Levering and Mr. Jarvis? Are you still here?

Do you wish to testify today?

Mr. LEVERING. I would certainly like to.

Senator STEVENS. Will you confer with the staff.

We will find a room and convene at 2 o'clock to finish up this hearing. I know it can't be in this room.

Off the record.

[Discussion off the record.]

Senator STEVENS. We will reconvene at 2 o'clock.

AFTERNOON SESSION

Senator STEVENS. May we resume the hearings, gentlemen. We appreciate your courtesy in coming back this afternoon to another room.

Mr. Levering and Mr. Jarvis, you each have a separate statement. Who wishes to proceed first?

STATEMENTS OF SAMUEL R. LEVERING, U.S. COMMITTEE FOR THE OCEANS; AND DESTRY JARVIS, ADMINISTRATIVE ASSISTANT, NATIONAL PARKS AND CONSERVATION ASSOCIATION

Mr. LEVERING. I will start out. We have separate written testimony, which we will ask to be put in the record, and then I will speak to mine and to our position, and I assume Mr. Jarvis will follow with some remarks about his, if that is satisfactory.

Senator STEVENS. Fine. Thank you very much.

Mr. LEVERING. I certainly appreciate your courtesy in coming back, and appreciate your comments to the Law of the Sea delegation, of which I am a member. You have been very helpful there.

I wish to speak to two points.

One is whether immediate action to conserve fish and our fishing industry is necessary, and I agree with you completely that it is. I think there is no question of that. I have gone into it rather thoroughly, and I don't believe I need to elaborate on this situation. It is very serious, as you know.

The only thing that would qualify that answer would be if very serious results to other U.S. interests would follow from unilateral action to conserve fisheries. I do not think that is true if the right kind of action is taken.

The second question is what kind of action is desirable. And we thoroughly approve of action similar to and carrying out the purposes of the 1958 Geneva Convention on the Living Resources of the High Seas. We have done a great deal of research on that since last summer.

We have a bill ready for introduction which has been developed in cooperation with the lawyers of the National Marine Fisheries Service, and with the counsel of the Merchant Marine and Fisheries Committee of the House, and we think we do understand the process about which you raised questions this morning, sir.

Senator STEVENS. You agree with me it does take legislation?

Mr. LEVERING. It does. It is not a self-implementing convention. The Congress has to pass a bill saying that it shall be enforced and by whom and in what way, and with what penalties, and so on. It cannot be put in operation by the President alone, in my judgment.

And even if it could, I share your chairman's scepticism as he expressed it this morning, whether the present administration would

act, even if they could. It seems to us that the fisheries have been a pretty low priority on the scale for them at this point.

And if they could do it, I don't think they would do it without a very vigorous prod from you, sir, and this committee.

Senator STEVENS. It is of first priority as far as I am concerned.

Mr. LEVERING. It is not just this administration; it has been that way for many, many years.

So we think the time schedule should be something like this. We hope you will pass a bill very quickly, and we think our bill, which will be introduced very shortly, has gotten the kinks out and has been cleared enough places—the State Department has seen it. They are not going to support it, as you can well imagine. Their position, I think, is, "Do nothing," and I don't think that should surprise you, sir.

On the other hand, in private conversations they see very much less disadvantage from the standpoint of the Law of the Sea to this approach over the 200-mile one, which they very vigorously oppose as being very destructive of the Law of the Sea. This would, I think, in their judgment be very minor in its effects. They probably would still favor doing nothing, but I don't think it would be, in their judgment, nearly as serious.

Any obvious things that would do other than destroy the purpose of the bill, any criticisms that the State Department had, we have incorporated in our bill.

Senator STEVENS. I am sure we would like to see the bill.

Mr. LEVERING. Yes, sir; we have it here and will pass it up to you.

So we think there can and should be a bill passed just as soon as possible.

Now then, obviously this would require the administration to issue regulations at the end of 6 months. The 6 months should start as of the day you pass the bill. Regulations would be promulgated to preserve the fish, and if there had not been agreement by the other countries involved by that time, they would, in fact, go in effect, and they would stay in effect as authorized by the 1958 convention unless thrown out as having no scientific basis, subject to review by an impartial commission, a special commission, as to whether they are scientifically justified and whether they are, in fact, nondiscriminatory.

And if they are scientifically justified and nondiscriminatory, then that's it. They stay in effect.

Senator STEVENS. Tell me, how do you enforce this against Japan, Russia, Korea, and the other long-distance fishing fleet nations, none of whom signed the agreement?

Mr. LEVERING. The agreement was adopted at Geneva by a vote of 49 in favor, 1 opposed, West Germany, and 18 abstentions, which included the Soviet Union and Japan, probably they had an idea that it might be used against them, exactly as we are planning that it should be.

And we would say that there is a very real chance that they would cooperate in this, that there would not be a confrontation, because it would be nondiscriminatory and it would be a necessary conservation measure.

And they are, at least in theory—and I have talked to some Russians—interested in having some fish to catch, on the basis of full utilization later. So the danger of confrontation would be much less. We think that with S. 1988 they would continue, and would we use force to expel their ships and have a cod war?

Senator STEVENS. Are we going to have a cod war in either circumstance?

Mr. LEVERING. I think the danger is very much less this way, following a convention which is in force for a good many nations, but which would be applied to all.

Senator STEVENS. We have a halibut war already, but nobody recognizes it.

Mr. LEVERING. Yes; I know about it and I recognize your situation there. It is very serious.

Senator STEVENS. There was testimony in Alaska about foreign vessels that tried to ram American vessels, that chased them off the fishing grounds, that picked up their gear intentionally and towed it away.

Mr. LEVERING. Yes.

Senator STEVENS. Well, I think you have a good suggestion. I think we have the same problem, though, as far as enforcing the legislation you suggest against Japan and Russia and the nations that are in the North Pacific and the North Atlantic, as we would have with the 200-mile limit. And yet there is no definitive area under your bill, I take it.

Mr. LEVERING. No, which is an advantage. In other words, the Geneva Convention is conveniently vague. In other words, it is fish off our coast, and this could be wherever they roam. If it is more than 200 miles, still we are conserving the fish.

And I think the danger of confrontation and difficulty of enforcement is less, because this is nondiscriminatory. It would not require, necessarily, issuance of licenses, which would mean admission on their part that we had a right to require them. I think the likelihood of cooperation is much greater.

Now, I think the regulations should be promulgated, and I think whatever is necessary should be done to enforce them. I think the danger of confrontation is much less.

Now, we are interested in conservation, as you are, and the preservation of the fish and the fishing industry. We think, as of now, that if S. 1988 is passed, it will probably be vetoed, and we doubt whether it could be passed over the veto, and no fish would be conserved.

We believe that the danger of veto of our bill is very much less, the danger of confrontation is very much less. From my own knowledge, I would say that the danger to the Law of the Sea Conference is very, very much less, because it is not unilateral action of assertion of jurisdiction, which is a game which many can play, to our detriment. It is a conservation measure under a presently existing convention, which in that sense is not unilateral and does allow for review by a special commission which we do not dominate, as to its necessity from the standpoint of conservation and its nondiscriminatory features.

Senator STEVENS. I notice none of the South American countries signed this either.



Mr. LEVERING. Well, there are a good many of them that didn't, that's right.

Senator STEVENS. Mexico is the only one that would be involved in our distant-water fisheries.

Mr. LEVERING. That is true. And we think that S. 1988 would result in very serious damage to our Texas shrimpers, for instance, off Mexico, from what we know of the situation; that it would be a serious problem to our tuna and shrimp people off South America.

And one of the great advantages of this approach, sir, is that it can unite the fishing industry. You will note my good friend Augie Felando said they would support this. Bill Utz of the shrimp people came awfully close to supporting it in his testimony, and privately he says that they were not opposed, and many support it.

Senator STEVENS. Tell me this: Since we ratified this convention, we extended our jurisdiction from 3 miles to 12 miles.

Mr. LEVERING. Yes, that's right. And this, of course, was——

Senator STEVENS. That was a zonal extension.

Mr. LEVERING. Yes.

Senator STEVENS. What if we went to 18 miles now?

Mr. LEVERING. In the first place, 18 would do us little good many places.

Senator STEVENS. I know. We are in agreement on principle. We are just haggling about the distance, aren't we?

Mr. LEVERING. But the principle involved at this time—action at the time of the Law of the Sea Conference, for jurisdiction, which in international jargon is called sovereignty, is a very damaging thing to do, and an unnecessary thing to do, it seems to me, since we can get the same result by conservation measures under the Geneva Convention.

Senator STEVENS. In terms of my State, the effect of either action is not the same. The difference is, under your suggestion we would have a unilateral extension without a definitive line, and under 1988 we would have a unilateral extension with a definitive line.

Mr. LEVERING. And in some places I think you would want more than 200.

Senator STEVENS. But we would be happy with it.

Mr. LEVERING. I think because there is no limit stated in the Geneva Convention, you could make it stick as a conservation measure farther out, which is to your advantage.

Senator STEVENS. Only if we are willing to risk a cod war, a halibut war, or a salmon war, or whatever it is. That is what it comes down to in the final analysis, isn't it?

Mr. LEVERING. All right, but I think it would be much less than if you tried to enforce S. 1988, and the benefits would be better and the chances of getting the legislation enacted would be better.

Senator STEVENS. Well, as I have said, I have asked the State Department for their views. They have told you informally, and I assume they will tell us the same thing.

Mr. LEVERING. Yes. In private conversation, many of them say, "We can support it," but the official position is, "No." At least it was yesterday. Now, I can't say what it will be next week.

But I can't buy this idea of doing nothing, even if you have provisional application of fishery agreements out of Vienna—no final

agreement is going to come out of Caracas. Even if in 1975 you had agreement on good fishing regulations and it should be a 200-mile fishing zone or something like that, and it went into effect immediately without ratification, that still is too late.

Senator STEVENS. Who enforces this under your bill?

Mr. LEVERING. Who enforces it?

Senator STEVENS. Yes, what is the enforcement agency?

Mr. LEVERING. Of course, in the bill it should be the Coast Guard. That is the obvious agency to do it.

Now, I can't argue as to whether you want the Commerce Department or the Treasury Department. I think our bill actually calls for the Commerce Department, since NOAA is there to determine the regulations, but with the Treasury Department—the Coast Guard was there, the last I knew—it's been hopping around—to do the enforcement.

Senator STEVENS. It is pointed out it is really a State Department problem under your approach, isn't it?

Mr. LEVERING. The State Department obviously is the one who sees whether the other countries will agree to our proposed regulations. If they don't, then Commerce Department promulgates the regulations and the Treasury Department enforces them.

Senator STEVENS. Well, I am happy to join others in exploring it. I find myself amazed that people who oppose 1988 would support the proposal that has been suggested. They amount to the same thing, and the only thing I can tell you as a former prosecutor is that you wouldn't get any convictions under your approach, whereas under the 200-mile limit you would, because—

Mr. LEVERING. The regulations are promulgated by the United States Government, and the United States Government enforces them, and it can do so under the 200-mile limit or under this.

Senator STEVENS. Suppose I am a U.S. Attorney—as I was once in Alaska—and in comes a Coast Guard cutter commanding officer, and he has just seized a Russian for fishing beyond the 12-mile limit, contrary to regulations issued by the Department of Commerce.

And the Russian vessel captain says, "What's this guy doing? I was on the high seas and we are not party to that agreement. You can't enforce that agreement against us."

What is going to happen at that time?

Mr. LEVERING. And the Russian will say exactly the same if he is caught under the S. 1988 bill.

Senator STEVENS. No, I'm afraid you don't understand. At that time the State Department comes in and tells the U.S. Attorney to release him.

Mr. LEVERING. But they will not do that under this. This is the law. I assume when Congress passes a law and the President signs it, it's a law.

Senator STEVENS. That's what we want, a 200-mile limit law.

Mr. LEVERING. I am in favor of the regulation, a conservation measure law—and I don't mean a pious gesture. I'm not asking for a resolution of the sense of the Senate. I am asking for a law, and one that means business and that requires the Administration to take action.

Senator STEVENS. What do you expect? The Administration doesn't make laws, and yet this approach would say that the Commerce Department would issue some regulations which would have the effect of law. That would not be enacted by the Congress.

Mr. LEVERING. But these are regulations as directed and authorized by the Congress. The Congress has made this entirely clear.

Senator STEVENS. I think when it comes to criminal penalties, and particularly criminal penalties to be enforced against nonnationals, under this law—just like our tuna people off the shores of South America. Under their law, they are entirely within their rights.

Under this, I think we would have a tough time prosecuting them in our Federal courts. I don't think our courts would allow them to do it unless Congress passes a law saying that is our jurisdiction; we have jurisdiction over a specific area, as we did with the 12-mile zone. We have not had anybody escape prosecution under the 12-mile zone, because Congress passed a law.

Unless Congress passes laws—

Mr. LEVERING. This is a question, of course, on which lawyers can argue. But if Congress has said that these regulations shall apply beyond the 12-mile limit, and enforcement shall be in the same manner and the same form as presently applied as to foreign fishermen within the 12 miles, then the Congress has directed that this be done.

Now, you can argue whether that is extending jurisdiction or not. I won't argue about that. But I think the effect would be that the law can and should and will be enforced.

Senator STEVENS. Well, we have to explore it.

It's an interesting thing, the South American countries didn't sign this, so they couldn't take similar action against our tuna fishers, could they?

Mr. LEVERING. If they are not party to this and didn't sign it, they had no alternative if they wanted to catch our people, except assertion of sovereign jurisdiction.

Senator STEVENS. They are catching them under their extension of sovereign jurisdiction right now.

Mr. LEVERING. Yes they are, when they catch them.

Senator STEVENS. And if the Russians don't accept the treaty, then how are we going to get them to accept our unilateral actions taken under the treaty?

Mr. LEVERING. The main thing is that this is to be, by definition, nondiscriminatory. They will continue to fish. They will not be required to get license. They will have to live up to whatever quotas we give them, which in the Northeast might very well be to bring the agreement of 1976 into effect a year earlier. The 1976 agreement, as you know, is that the quota shall be at a level that will allow fish to rebuild to the maximum sustainable yield.

We can say that that is too late; we'll do it right now.

Senator STEVENS. But out our way they will just fish willy-nilly beyond the 12-mile limit, using monofilament nets. Our seasons are closed, and they declare them open. How will we enforce that except by armed force?

Mr. LEVERING. The United States will issue regulations for conservation. It will not say, "Get out," but say, "If you fish here, you fish on this basis."

Senator STEVENS. But, Mr. Levering, you have to have authority to board them, authority to inspect their gear, authority to seize their catch, or to do something to enforce it.

Mr. LEVERING. You will find here in the bill provisions for penalties against that, and provision for such action.

Senator STEVENS. Then that is unilateral action. It must be an extension of jurisdiction unilaterally.

Mr. LEVERING. Its practical effect, as you know and I know, is that for conservation purposes we are extending jurisdiction on an interim basis.

Senator STEVENS. That is all we are suggesting here. We are prepared to accept the decision of the Law of the Sea Conference, but the nations of the world wouldn't agree to it. Until they do, we want the United States to take action to protect our resources.

Mr. LEVERING. Your bill would require licenses for those who operate in and outside. They would refuse to apply for licenses because that would be admitting you are right. I think that makes confrontation sure.

And this doesn't mean that licenses will be required here, or that you will force confrontation. It means you will have a real chance of conservation without it.

Senator STEVENS. I know you are sincere, but I would like to have you visit the Bering Sea and North Pacific. I would be glad to arrange a berth for you on any of our cutters operating on the high seas, and you will see what those foreign vessels do when our Coast Guard tries to stop them now. It is very, very difficult to get on board their vessels.

Mr. LEVERING. At present there is neither international law—

Senator STEVENS. Wait a minute. We have the Convention of the Shelf, two treaties we are enforcing, the halibut and salmon treaties. We have the right to board them now, but I invite you to come along when they try to board them.

Mr. LEVERING. Along the shelf and other places they can question what right you have, whether there is any specific United States law with penalties.

Senator STEVENS. But they are fishing in the Bering Sea over the shelf, period. They are on the Continental Shelf when they are fishing there, and we have declared our jurisdiction over creatures of the shelf.

We have observers on some of those vessels. They had to send them over to Tokyo so they would come back and be on board. But there is not any ability to enforce United States action unless we declare we have jurisdiction.

Mr. LEVERING. Well, this action, it seems to me—that is, in my judgment and the judgment of a good many more—will be such that you will have that kind of jurisdiction for conservation.

Another advantage of this kind of approach—for instance, I have many friends in the Canadian Fishing fleet. This action should be undertaken jointly by the United States and Canada off our north-east coast, and there is very real chance it would be.

In the Gulf, it might be jointly with us and Mexico for conservation. I would even try it with the Russians in the Bering Sea.

I don't know that you will get anywhere, but if it could be done jointly with other coastal States or those where the fisheries overlap from a coastal standpoint, this is all to the good. Our bill calls for this, rather than unilateral extension of jurisdiction.

Senator STEVENS. Do you think we could limit monofilament nets in the Bering Sea and North Pacific under your approach?

Mr. LEVERING. Yes.

Senator STEVENS. How would you enforce it?

Mr. LEVERING. You have the same problem there. I think you have a much better chance of getting cooperation this way.

I must admit I agree with Senator Magnuson that a lot of the trouble is that fishing does not have high enough priority from the point of view of our State Department, and there are other pressures that can be put on countries, other than simply starting to shoot. There are economic, trade, and other pressures that can and should be put to bear.

And if there is a law it will be much more likely to be done than in the very amorphous situation I find in the State Department at present.

Senator STEVENS. That is why we want the 200-mile limit. If it becomes the jurisdiction of the United States, the State Department is not involved any more. It is solely NOAA and solely Coast Guard.

Mr. LEVERING. Once the negotiations are carried out here, the regulations are issued by the Commerce Department and the enforcement is done by the Treasury Department.

I have a feeling, though, sir, that there are going to be negotiations from now until Doomsday as long as you have economic interests as interlocked as those in the Bering Sea, for instance. I think you can't get the State Department completely out of negotiations. And it's a question of what kind of leverage you use.

Senator STEVENS. Well, we appreciate your statement. We will put your two statements in the record in full.

Mr. LEVERING. Thank you.

Mr. LEVERING. I haven't spoken, although I know you agree with me thoroughly, sir, of the great urgency of conservation. And my colleague here, Mr. Jarvis of NPCA, whose president, Anthony Wayne Smith, is also a member of the advisory committee to the United States delegation, and they are conservation people, and I think Destry may want to speak something to that.

Senator STEVENS. Yes, sir.

Mr. JARVIS. I would like to make two comments.

I am T. Destry Jarvis, administrative assistant with the National Parks and Conservation Association.

I would like to make two points, speaking to the point you raised with Mr. Levering.

One is that the measures that would be implemented utilizing the 1968 convention are stated to be measures taken for conservation purposes which are nondiscriminatory and based on scientific fact and would remain in force and effect pending settlement of challenge by some other nation as to their validity. Article 7 states:

These measures shall remain in force pending the settlement, in accordance with relevant provisions of this Convention, of any disagreement as to their validity.

And I think the body of scientific knowledge is substantial to support the fact that specific species are depleted, and these are the ones with which we are concerned, and I think this would go a long way toward alleviating some of the problems that might be raised.

Because certainly, whether we enact the '58 convention or pass legislation to establish a 200-mile contiguous fisheries zone, there will be a lot of noise raised on the international scale, and significant challenges that will require very complicated negotiations, whether it be the jurisdiction of 200 miles, or the '58 convention.

But at least we will have the weight of international law, and hopefully, since this is a convention that has been approved by over 30 nations, we will have the weight of world opinion on our side with the '58 convention limitation, which might not be the case—and I think would not be the case—with a 200-mile zone assertion of jurisdiction.

Senator STEVENS. Well, Mr Jarvis, I am compelled to take another viewpoint on that.

We don't believe our herring have to be in a depleted state before we protect them. We don't want any increased fishing on our herring, because that is the food stock for our salmon. We want jurisdiction to license what they are doing out there before the stocks get depleted.

Beyond that, the South Americans asserted the 200-mile jurisdiction back when I first started practicing law 25 years ago. When you take a look at what has happened in the world community, I don't see that they have been ostracized. As a matter of fact, even the Congress of the United States passed a law to pay the fines of the tuna people when they were seized under those laws.

So it seems to me what you are saying is that we, as one of the leading Nations of the world, don't have a right to protect our fisheries until they are depleted or until they are threatened.

Mr. JARVIS. No, I am not saying that at all, because the '58 convention doesn't mention the word "depletion." It mentions that when the coastal State deems it necessary for conservation purposes, it may take action based on scientific fact.

Senator STEVENS. The scientific fact is this: We know the salmon feed on the herring. But you can argue all you want about the level of harvest of the herring in relation to the salmon—I'm sure you know there's a whole of an argument of how important one foodstock is to another, to a species such as the salmon. We don't think we have to get in the position of arguing that from the point of view of scientific fact if we assert jurisdiction.

And I really don't understand why your organization, for instance, would view us as being sort of, I take it, renegades in the field of world opinion if we take unilateral action on a zonal basis, but we would not be in that position if we took unilateral action under this treaty which the rest of the world hasn't signed. The fishing nations of the world have not signed it.

Mr. JARVIS. I think you have hit on a point there that we would agree with. This is, I believe, a problem with the present draft articles in the U. S. Convention on Fisheries, and that is that the conservation principles do not address themselves to anything other than maintaining levels at maximum sustainable yield of those species

that are harvested. And I think that should be changed to refer to the health of the ecosystem, the population stock within a particular area, and that it should address itself to species which are dependent upon another species, the interrelationships that evolve within an ecosystem, something that is not addressed in the fisheries articles, and which is exactly the point that you are making, that the herring or the salmon may be dependent upon another species which is also being depleted.

Senator STEVENS. No, not yet. That is the problem. It is not being depleted. We don't want them to even start.

Mr. JARVIS. I agree. But what I am saying there is that if you included in these draft articles of the U. S. position, conservation principles that address themselves to maintaining and restoring populations of all species associated with or dependent upon harvested species, and maintaining those at levels of abundance, where possible, and adequate to prevent endangerment or extinction, I think that would go a long way toward providing the necessary mechanisms for maintaining levels, without regard to depletion but keeping conservation in mind.

Senator STEVENS. Well, gentlemen, I must compliment the people who have gotten together this approach on one thing. It seems that it is the mechanism for delay which I think most members of the advisory committee would like, to give the State Department a little longer time to achieve a Law of the Sea agreement.

We happen to agree that an international agreement would be the best approach. The Chairman said it this morning, and I agree with that, that it is the best approach. But I don't know that delay is the answer as far as getting agreement. And really, if we took your action today, nothing could happen before Caracas, could it?

Mr. JARVIS. I don't think so.

Senator STEVENS. Mr. Levering, you admit we couldn't do a thing to enforce it for 6 months, don't you?

Mr. LEVERING. The point was made this morning that actually we could take the position that the negotiations we have had for conservation have been adequate and we could go ahead right away.

Senator STEVENS. I think you have to trigger that convention—

Mr. LEVERING [continuing]. So I think you could actually assume that these negotiations were sufficient.

Senator STEVENS. Do you know of any nation in the world that has even used this Convention on Fishing and Conservation of Living Resources, as far as taking action of this type?

Mr. LEVERING. No, but that doesn't mean that a good thing shouldn't be done.

I rather doubt, sir—as a matter of fact, I would say the odds are very great that any attempt to pass S. 1988 now will have any effect before Caracas anyway.

Either way, I think 6 months is as rapidly as you are likely to get action anyway, and I think you are much more likely to get action in 6 months this way than by passing a bill that almost certainly will be vetoed.

I am in favor of action, yesterday, if possible, last year, if possible, and now, right away.

Mr. JARVIS. We certainly think it is necessary for Congress to take some action to prod the State Department in its negotiations in regard to fisheries. They have, as Sam and others have said, for too long gotten shortchanged and been the first thing to be traded away in negotiations.

But we think that action prior to implementation of an LOS treaty, which perhaps could be implemented on a provisional basis—any action prior to that time should be nondiscriminatory so that our bargaining positions will remain open.

Senator STEVENS. Let me read you article 7:

Having regard to the provisions of paragraph 1 of article 6, any coastal State may, with a view to the maintenance of the productivity of the living resources of the sea, adopt unilateral measures of conservation appropriate to any stock of fish or other marine resources in any area of the high seas adjacent to its territorial sea, provided that negotiations to that effect with the other States concerned have not led to an agreement within six months.

Now, to my knowledge we have not had any negotiations regarding conservation appropriate to any stock of fish in the North Pacific or the Bering Sea, except under two existing treaties, one halibut, and one salmon.

Mr. LEVERING. I think you are right there.

Senator STEVENS. We couldn't take any action today, Mr. Levering. We couldn't take any action. We would have to serve notice, I take it, upon Japan and Russia and Korea and all the others that are in the North Pacific and Bering Sea.

That's my back yard. I would like to help in New England, but I am thinking about my back yard right now. We have to serve notice on them that we have measures of conservation appropriate to any stock of fish or other marine resources in the Bering Sea or North Pacific, and we intend to take action unless we have an agreement within 6 months.

And all they would do is laugh at us.

Mr. LEVERING. In the Northeast there has been negotiation, very vigorous negotiation, as you know, which got on part of the direction we should go last October, and so on. So we certainly have had them up there.

Now, how recently we have had negotiation about salmon and halibut, I don't know. On other things I think you are right.

But it certainly is not an extreme position to say that negotiations have already been under way in the Northeast.

Senator STEVENS. Well, it's an interesting concept, gentlemen. I wish it were the panacea that you all seem to think it would be.

Mr. LEVERING. It is no panacea. We just think it's a better way. S. 1988 is no panacea, either.

Senator STEVENS. I hope next year we'll make it, in 1975. It may be 1976 before we get it signed and approved if you all continue to oppose it.

Mr. LEVERING. I hope there won't be a need for a bill. I hope action will be taken in the meantime, and enforced 6 months from tomorrow.

Senator STEVENS. No, I don't agree with you. You have a triggering mechanism in terms of time. I suppose you would have to look to some world court eventually to enforce some action taken, and I



don't think it would be done unless you conformed exactly to the convention.

That means we have to have scientific information available, tell them what we are seeking to negotiate, negotiate, wait 6 months, and enforce it unilaterally if we have the guts to take on a cod war to enforce it.

Do you disagree?

Mr. LEVERING. That is essentially right.

Senator STEVENS. So we would be in the same place as if we passed S. 1988.

Mr. LEVERING. We don't think so. We think it would be a much better place.

Mr. JARVIS. I think there would be a much greater incentive if we adopted action under the '58 convention, incentive for making them conform with the species approach which is a part of the draft treaty, and your bill of last August, which talks to species by species within their range, wherever that may be, of our coastal areas.

Senator STEVENS. I think you put your finger on one thing. That is, a lot of the things we are doing today don't make sense when you can seize a vessel today and fine it \$200,000, and its hold contains \$400,000 worth of salmon. It doesn't make much sense. We have to start seizing the catch, and we have to start probing their imports into this country. And I have a bill in to do that.

And we have to start condemning their vessels and we already have authority to do that, but haven't done it yet.

I agree with you there are a lot of things we could do under existing law that we haven't done.

But we don't have the authority to do the things which I think we must do. And I really frankly thought about it when I was at lunch, because it seemed like such a nice suggestion this morning. But the more I thought about it the more I realized we would be in exactly the same position, and if I were a practicing district attorney again, I'd do nothing but lose cases, because the Coast Guard would go out and do all the work and bring people in, and the State Department at that point has jurisdiction to determine whether we have a right to enforce our laws against foreign nationals. And you know they release them. Ever since I have been in Alaska they have been releasing them.

Because they would determine whether or not it really was within the jurisdiction of the United States to assert our criminal laws against foreign nationals under your approach, as I understand it.

They let the Russians go in Kodiak. That was the basis for the release there.

And I just don't see how you can do it, base a criminal prosecution on regulations promulgated by a department without a specific assertion of criminal jurisdiction—I mean total jurisdiction of the United States. I don't think you would be successful. I really think you need the jurisdiction to notify the world that that is our territory, in order to enforce our criminal laws.

And, as I said, South America did it 20 years ago, and although we haven't recognized it directly, we have indirectly because we have paid the fines.

Now, I would urge you to take a good, long look. I think you have brought us a mechanism for delay. I don't think Congress will take that action, either action, if both of these are pursued simultaneously.

And I am sure my friends from the tunaboat industry wouldn't like to hear it, but I now see why they would endorse that approach. It means delay.

Mr. JARVIS. That is not our intent.

Senator STEVENS. I understand that. I think you are sincere in trying to help solve the problem, but there is delay. There is no way, if you have two competing viewpoints like this one, I presume, coming out of the Foreign Relations Committee, and one out of this committee, that we will end up with anything other than a jurisdictional battle.

Mr. LEVERING. Why not unite to pass this approach, which I think you could do very, very quickly in Congress?

Then, if this isn't it, why we would support the 200 miles, because we think conservation is essential. But this one, I think, could pass very quickly, uniting a very broad spectrum of the fishing industry and the Congress. Suppose you gave it a try.

Senator STEVENS. Why don't you two gentlemen go back to your respective organizations and see if they might support my approach, and that is, just start shutting off imports to any country that violates conservation principles of civilization, as I said this morning. They are principles that any nation ought to agree to, and those that don't certainly ought not have a right to sell us their products.

Mr. LEVERING. I think we certainly would approve, actually, action along that line. We also think action along this line is needed. Certainly that kind of leverage I would approve.

Senator STEVENS. We could shut off that 60 percent of the tuna we consume which comes in from foreign countries awfully fast that way.

Mr. LEVERING. Yes, there are many good measures that can be used to implement effective conservation measures.

Senator STEVENS. Well, again, gentlemen, I thank you. You were very patient this morning, and I think the record will be an interesting one before we get through.

I understand we are going to go to New England, and we have been in Alaska. I hope we will go down to the Gulf Coast before we are through, and hopefully get action before we get to Caracas and try to figure out which table we are going to sit at.

I was told not to go down there for the first 2 weeks because they have a procedural fight going on, and there was no reason to.

Mr. LEVERING. That is certainly true for the first week. However, they decided at the end of the first week they would vote on procedure. That was decided.

Senator STEVENS. Did they decide what the committee would vote on procedures?

Mr. LEVERING. No, but I think it will be acceptable.

Senator STEVENS. I was being facetious. I'm sure you realize that.

I realize that to a great extent the Caracas meeting—both the chairman and I agree—is another preliminary meeting.

Mr. LEVERING. I agree with that. Nations don't compromise vital interest until the last minute they can, and that will be Vienna. If there is no agreement in Vienna, that's it.

Senator STEVENS. If there is no agreement in Vienna, will you support our 200-mile bill?

Mr. LEVERING. If there is no agreement in Vienna, the sky's the limit.

Senator STEVENS. Thank you again. We appreciate your courtesy in coming.

[The statements follow.]

STATEMENT OF SAMUEL R. LEVERING FOR THE UNITED STATES COMMITTEE FOR THE OCEANS

I wish to congratulate Senator Magnuson, the Chairman, for bringing critical fishing conversation problems into public focus by holding hearings on S 1988.

The purpose of this bill is excellent—to preserve the fish and the U.S. coastal and anadromous fishing industry. Its basic assumption, that many coastal and anadromous fish stocks are in danger of being seriously depleted and in some cases of elimination, and that present measures to prevent this are inadequate, is true. Its *solution*, that authority to deal with this critical problem must be clearly placed, and that coastal states are best equipped to exercise this authority for coastal species, is generally agreed, and almost certainly will be recognized at the Law of the Sea Conference. *Further*, this bill responds to the need for the U.S. to act *now*, as the Law of the Sea Conference, even if successful, may be *too late*.

Such a step also has the appeal of appearing to be a simple solution to the problems that have seriously injured U.S. coastal fishing interests. In fact, in our judgment, it is not a simple step; it is not likely to solve the problem; and taking it would severely damage other major U.S. interests. The major goals sought by these bills would be more likely to be achieved by conservation measures taken under the 1958 United Nations Convention on Fishing and Conservation of the Living Resources of the High Seas, which could be put into effect by the U.S. in six months whether or not other nations concur.

THE 200 MILE UNILATERAL DECLARATION IS UNLIKELY TO ACHIEVE PROTECTION

One objective of extending exclusive fishing rights is the immediate control of foreign fishermen in the areas enclosed. But the traditional rules of international law for setting such boundaries were based on much more limited areas. Negotiations with neighboring countries such as Canada, Mexico, Cuba and the Soviet Union will be necessary to settle where the new limits are to be drawn. In the northeast it is certain that they won't include all the banks traditionally fished by the U.S., and in no area can there be certainty where the lines can be drawn—or how soon.

Even when the limits are set, there is no assurance that they will be observed by foreign countries. Enforcement measures will be required. It is doubtful that the U.S. would be well advised to use force to expel ships of major nations. To do so would risk a "cod war" with Russia and would certainly damage other aspects of our relations with the Soviets and Japan.

At the very least these countries would be likely to bring the U.S. before the World Court, where its case would be weak in the face of the many international efforts being taken to deal with fishing problems. U.S. participation in current and prior international negotiations would make ridiculous any attempt to avoid World Court jurisdiction by use of the Connally Reservation.

Finally, even assuming eventual resolution of disputes over area and exclusiveness, many of the stocks on which U.S. coastal fisheries depend will remain unprotected. These include not only the migratory stocks that pay no attention to man-made limits, but also anadromous species like salmon. Though this Bill attempts to extend U.S. jurisdiction to anadromous fish "wherever they may range in the oceans", there is no reason to expect other nations to treat this huge extension of "sovereign jurisdiction" with anything but anger and disregard.

THIS UNILATERAL DECLARATION WOULD DAMAGE MAJOR U.S. INTERESTS

Exclusion of foreign fishermen, or requiring licenses from them might provoke a Soviet, and perhaps Japanese, withdrawal from the Law of the Sea Conference, making its failure attributable to the U.S. Even if all countries continue their participation, the present U.S. position at the Conference would be destroyed in matters of fishing and seriously weakened in others, such as navigation, seabed exploitation, pollution controls and settlement of disputes. This will flow from the loss of bargaining power and the lack of credibility which this unilateral U.S. action would assure.

The provision of this Bill by which it would terminate when "the Law of the Sea Treaty or Treaties now being developed regarding fisheries jurisdiction and conservation shall enter into force" will not save the situation. Even if the Conference participants could guess what agreements might qualify under this provision, its enactment would be a public threat which could only provoke resistance and retaliation.

This bill will encourage the many countries now seeking sovereignty over the straits and passages essential to free navigation by sea and air to make their own unilateral decisions, perhaps on a non-negotiable basis. Even if they remain at the bargaining table on this issue, their stance will be more rigid and their position less assailable, at least by the U.S.

With respect to fishing, the U.S. will be trading questionable benefits to some fishermen for serious risk to those fishermen who in 1972 brought in over half the value of the U.S. catch. Coastal nations exercising controls over shrimp and tuna will be in excellent position to demand stiffer terms. The Russians and Japanese will see less reason to restrain their far ranging fishing fleets. The provisions on anadromous species might provoke the Japanese to consider that the U.S. had abrogated the agreement restricting Japanese salmon fishermen to areas east of 175 west, and certainly would not make them more ready to accept any arrangement less favorable to them.

OTHER IMMEDIATE MEASURES ARE AVAILABLE

The fact that an attempt by the Congress to exclude or control foreigners in a unilaterally extended fishing jurisdiction is unlikely to succeed, and that even the attempt assures foreign retaliation and serious consequences, does not mean that the U.S. Government is helpless to protect coastal and anadromous fish. Nor does it mean that protection must be withheld until the conclusion of the negotiations of the Law of the Sea Conference. There is another way, with a better legal basis, greater chances of conserving the fish and being acceptable to other nations, and less damaging to other vital U.S. interests.

The 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas (adopted 49 to 1, with 18 abstentions) recognizes in its Article 6 the special interest of coastal states in maintaining the productivity of fish stocks in areas adjacent to its territorial waters, and in its Article 7 provides that after six months of negotiations with other concerned nations a coastal state may unilaterally declare appropriate conservation measures.

As indicated in the attached text of Article 7 such measures must reflect a need for conservation, be based on scientific findings, and be non-discriminatory. Disputes over such action may be referred by any state to a special commission provided for in Articles 9 and 10 of the Convention, but the conservation measures remain in effect pending the commission decision unless it makes a *prima facie* finding that no need for the measures exists.

In view of the plight of coastal and anadromous fishing stocks, the U.S. Government should at once institute negotiations under Article 7 of the Convention and notify prospective participants that in six months it will promulgate specific conservation measures unless satisfactory agreement is reached before that time.

The Congress might well pass a bill immediately empowering and requiring the Administration to proceed immediately to implement the 1958 Convention. This is a desirable interim step. If the 200 mile fishing jurisdiction bills should also prove necessary, they could be passed later.

CONVENTION ON FISHING AND CONSERVATION OF THE LIVING RESOURCES OF THE  
HIGH SEAS

ARTICLE 7

1. Having regard to the provisions of paragraph 1 of article 6, any coastal State may, with a view to the maintenance of the productivity of the living resources of the sea, adopt unilateral measures of conservation appropriate to any stock of fish or other marine resources in any area of the high seas adjacent to its territorial sea, provided that negotiations to that effect with the other States concerned have not led to an agreement within six months.

2. The measures which the coastal State adopts under the previous paragraph shall be valid as to other States only if the following requirements are fulfilled:

- (a) That there is a need for urgent application of conservation measures in the light of the existing knowledge of the fishery;
- (b) That the measures adopted are based on appropriate scientific findings;
- (c) That such measures do not discriminate in form or in fact against foreign fishermen.

3. These measures shall remain in force pending the settlement, in accordance with the relevant provisions of this Convention, of any disagreement as to their validity.

4. If the measures are not accepted by the other States concerned, any of the parties may initiate the procedure contemplated by article 9. Subject to paragraph 2 of article 10, the measures adopted shall remain obligatory pending the decision of the special commission.

5. The principles of geographical demarcation as defined in article 12 of the Convention on the Territorial Sea and the Contiguous Zone shall be adopted when the coasts of different States are involved.

EXPLANATORY NOTE

1. Paragraph 1 of article 6 recognizes the special interest of coastal States in maintaining the productivity of the seas adjacent to territorial waters.

2. Article 9 provides for a special five man commission to resolve disputes and paragraph 2 of article 10 states that the commission may suspend measures in dispute but in the case of matters under article 7 may do so only on a *prima facie* finding that there is no need for the urgent application of such measures.

The National Fisheries Institute board of directors on April 20 called for unilateral action by the United States within six months to conserve marine resources and head off depletion of over-fished coastal stocks. The six month time is designed to allow the State Department to enter into negotiations with other nations, as called for in the 1958 Geneva Convention on Fishing and Conservation of the Living Resources of the High Seas prior to taking action to protect marine resources.

To date, the nations of the world have been unable to reconcile divergent policies toward fisheries management, and action at the Law of the Seas Conference in Caracas is uncertain, according to incoming NFI President Ross Clouston, who is President of the Gorton Corporation.

The NFI resolution "urges the United States government to take interim action based on adequate and sound scientific information to protect, conserve, and manage all over-fished stocks and to protect our domestic fishing industry; such action to ensure wise management of living marine resources for the good of all mankind which will permit maximum sustainable yields of all species from the sea."

The 1958 Geneva Convention provided that a coastal state "having a special interest in the maintenance of the productivity of the living resources in the seas" could invoke unilateral measures of conservation "... provided that negotiations to that effect with the other States concerned have not led to an agreement within six months."

C. CONVENTION ON FISHING AND CONSERVATION OF THE LIVING RESOURCES OF THE HIGH SEAS

Done at Geneva April 29, 1958; Ratification advised by the Senate of the United States of America, subject to an understanding, May 26, 1960; Ratified by the President of the United States of America, subject to the said understanding, March 24, 1961; Ratification of the United States of America deposited with the Secretary-General of the United Nations, with the said understanding, April 12, 1961; Proclaimed by the President of the United States of America March 31, 1966; Entered into force March 20, 1966

THE STATES PARTIES TO THIS CONVENTION

*Considering*, That the development of modern techniques for the exploitation of the living resources of the sea, increasing man's ability to meet the need of the world's expanding population for food, has exposed some of these resources to the danger of being overexploited.

*Considering also*, That the nature of the problems involved in the conservation of the living resources of the high seas is such that there is a clear necessity that they be solved, whenever possible on the basis of international co-operation through the concerted action of all the States concerned.

*Have agreed* as follows:

ARTICLE 1

1. All States have the right for their nationals to engage in fishing on the high seas, subject (a) to their treaty obligation, (b) to the interests and the rights of coastal States as provided for in this Convention, and (c) to the provisions contained in the following articles concerning conservation of the living resources of the high seas.

2. All States have the duty to adopt, or to co-operate with other States in adopting, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

ARTICLE 2

As employed in this Convention, the expression "conservation of the living resources of the high seas" means the aggregate of the measures rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply of food and other marine products. Conservation programmes should be formulated with a view to securing in the first place a supply of food for human consumption.

ARTICLE 3

A State whose nationals are engaged in fishing any stock or stocks of fish or other living marine resources in any area of the high sea.

STATEMENT OF T. DESTRY JARVIS, ADMINISTRATIVE ASSISTANT, NATIONAL PARKS AND CONSERVATION ASSOCIATION

Mr. Chairman and other distinguished Members, let me begin by expressing our appreciation for the invitation affording NPCA the opportunity to present its views to the Commerce Committee on the conservation and utilization of our coastal fisheries generally, and on S. 1988, the Interim Fisheries Zone Extension and Management Act, specifically.

It goes practically without saying that there is very legitimate concern for the long-term sustainable yield of many, if not all, of the harvested coastal and anadromous fish species being expressed by commercial and sport fishermen, spokesmen from the various fish processing and marketing industries, government officials, politicians, scientists, and environmentalists.

In our opinion, Mr. Chairman, it is a virtual certainty that effective action is essential to ensure protection and conservation of oceanic fish stocks. The actions of this Committee over the past months in making this issue of oceanic fisheries one of national prominence is laudable. For too long we have operated under the misapprehension that the fishes of the seas are inexhaustibly abun-

dant. All informed citizens now realize this to be untrue; in fact, scientists now believe that most of the fish species harvested commercially are either currently taken at or beyond the maximum sustained yield (MSY) for the species, or soon will be at such level at projected rates of utilization.

The broadly stated goals of S. 1988 are in full accord with the concerns of this Association, that is, to seek management authority for the purposes of fish species while avoiding disruption of the Law of the Sea deliberations.

Unfortunately, NPCA feels that S. 1988 would be both inadequate for conservation and full utilization of fish stocks, and would be highly disruptive of the complicated and extremely sensitive negotiations involved in the Law of the Sea Conference's attempt to resolve a treaty on many complex ocean issues, not the least of which is oceanic fisheries.

It has long been a basic tenet of the official U.S. fisheries position in LOS negotiation, the so-called "species approach", that the coastal State should have management and conservation jurisdiction over both coastal and anadromous species. This form of "species approach" for coastal and anadromous species is similar to the type of unilateral, discriminatory measure which S. 1988 contemplates. However, the species approach would provide for management of coastal and anadromous species by the coastal State throughout their range—with joint management by adjacent coastal states, upon agreement, for coastal species which range into the fishery zone of two or more States, rather than within a fixed boundary of 200 miles. The more rigid 200 mile zone would be a unilateral, discriminatory action, but would not cover the full range of all coastal fish species.

It has been argued that the species approach is more complicated and less enforceable than a 200-mile contiguous fishery zone. NPCA disagrees. Under the species approach, if the coastal state, in this case the U.S., can fully utilize (to the MSY level) a fish species, there would normally be no other nation harvesting that particular species; if the species were under-utilized, other nations may enter the fishery to catch a specified quota with the total catch remaining at or below MSY. There would be no confusion as to overlapping and intermingling zones as some have suggested. Whether another nation could harvest would be determined strictly on a species by species basis with consideration given to incidental catches of non-target species when dividing quota allocations among several States. For the U.S. coastal areas, special bilateral agreements could easily be negotiated with Canada and Mexico for overlapping coastal jurisdictions.

On the other hand, a 200-mile contiguous fishery zone would not necessarily cover the entire range of any coastal species, thus precluding scientific management of individual coastal species based on MSY levels. The U.S. would have absolutely no control over fish, even our own otherwise coastal species, taken beyond the arbitrarily derived 200-mile limit.

For anadromous species, control beyond 200 miles, if such a zone were unilaterally asserted, would be even more impossible to regulate. Certainly other nations would not feel compelled to abide by such a unilateral assertion of jurisdiction far from the coastal area, particularly if they are also ones excluded from the 200-mile zone. U.S. Coast Guard or Navy vessels certainly could not patrol the entire range of the salmon, for example.

If one accepts the position that the "species approach" is the best approach for total rational management of fish stocks—then the question as to whether a fully ratified and implemented LOS treaty including this principle will come into force in time to stop the over-utilization, and perhaps eradication, of some ocean fisheries becomes the crucial ones.

Doubt that an LOS treaty will come into force in time to prevent continued stock depletion has been the prime mover behind a 200-mile contiguous fishery zone.

One approach to speed LOS treaty implementation, for which the precedents are well established, would be an agreement for provisional application of all or parts of this new treaty pending full ratification and entry into force. Precedents have been established such that "if the Law of the Sea Conference produces a treaty that accommodates the interests involved, provisional application could serve to . . . alleviate the plight of the fishermen."<sup>1</sup>

<sup>1</sup>"Law of the Sea Treaty: Alternative Approaches to Provisional Application"; House Committee on Foreign Affairs, Subcommittee on International Organizations and Movements, Committee Print, March 4, 1974.

If, on the other hand, it is determined that utilization of provisional application of the LOS treaty may not be timely enough to prevent depletion of fish stocks in some areas, then there is indeed a pressing need for interim, unilateral action to protect our living ocean resources prior to the conclusion of the Law of the Sea Conference.

Although, over time, NPCA feels very strongly that the entry into force of a major multilateral treaty establishing a workable structure for the Law of the Sea will be the most effective means of conserving and managing oceanic fisheries, it is becoming increasingly apparent that effective interim action is necessary. This interim action by the Congress is needed both to ensure that harvested species will not be depleted below the MSY levels, and to make the Administration aware of the importance which the general public places on conservation of fisheries.

It is the considered opinion of the NPCA that legislation which embodies the principles of the 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas is the best and most effective means of providing the necessary conservation and management tools for protecting our coastal and anadromous fish resources on an interim basis, while avoiding any disruption of LOS negotiations.

The 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas entered into force for the U.S. on March 20, 1966, but has not had implementing legislation enacted by Congress. Though never yet utilized to resolve fishery problems, the 1958 Convention embodies conservation principles adopted by over 30 nations, which if accepted by the Congress now, could go far toward providing the interim measures needed to conserve fish. This Convention (Article 7) provides that unilateral action may be taken by a coastal State for conservation of fish stocks if agreements are not reached with other nations within six (6) months, provided that the action is based on scientific findings and is non-discriminatory. Further, the Convention provides that any unilateral action for conservation purposes shall remain in force pending the settlement of disagreements as to their validity.

Of equal importance to these conservation principles, Article 6 of the Convention establishes the precedent, now widely accepted in international law, that "a coastal State has a special interest in the maintenance of the productivity of the living resources in any area of the high seas adjacent to its territorial sea."

This Congress, with the leadership of the Commerce Committee, could enact legislation constituting interim action in accordance with the purposes of the 1958 Convention, which would go beyond the limitations of the existing Convention by providing that the legislation be applicable to any nation fishing in our adjacent coastal waters, whether or not that nation was a party to the 1958 Convention. Precedents of international law would be on the side of the U.S. if action to conserve fish were taken based upon the 1958 Convention rather than upon a discriminatory assertion of jurisdiction out to 200 miles. In addition, if challenges to the legality of the action were forthcoming, as they well might be from the Japanese or the Russians, the conservation measures would remain in effect during the dispute settlement. Since, under the 1958 Convention, action to conserve fish stocks would be undertaken based on scientific evidence of depletion and on a non-discriminatory basis, the weight of world opinion would likely be on the side of the U.S. This would not be the case, however, regarding challenges to a unilateral extension of fishery jurisdiction to 200 miles—which would certainly follow.

Negotiations with all other States now engaged in commercial fishing operations will be required regardless of whether S. 988 or the 1958 Convention is enacted by Congress. However, implementation of the 1958 Convention will go further toward conserving fish both as a result of its sanction under existing international law, its applicability while subject to challenge, and its inclusion of coastal species in adjacent coastal waters without regard to a 200-mile limitation.

Non-discriminatory action to conserve fish stocks based on scientific information would not jeopardize complicated LOS negotiations. Rather such action may well strengthen the basic U.S. negotiating posture as other fishing States begin to realize that the U.S. Senate, which must ratify any LOS treaty for it to enter into force, while expressing deep concern for the U.S. domestic fishing industry, has taken action primarily to conserve fish-based on sound evidence.



Contrarily, unilateral action which is discriminatory, such as S. 1988 would be, would seriously threaten the success of the LOS Conference, not only as regards fisheries, but also other LOS issues of importance such as access to deep seabed minerals, rights of innocent passage, territorial sea extensions, compulsory dispute settlement and ocean pollution, among others.

If discriminatory action affecting oceanic fisheries is to be taken, it must come as a result of multinational negotiations among all concerned nations to ensure full compliance without resorting to force. Indeed, there is considerable evidence that discriminatory action on fisheries will result from the LOS Conference, possibly a species approach or possibly an economic resource zone can only work effectively if it comes as a result of multinational agreement.

In the meantime, the Congress should take action designed to prevent depletion of fish stocks (non-discriminatory action), and should express its concern for our domestic fishing industry as Senate Concurrent Resolution 11 has done. Also, the Congress may wish to register its increasing disquietude over the disregard for fishery conservation practices exhibited by some foreign States, such as the Japanese, by enacting Senate Joint Resolution 184, and possibly enlarging the scope of this Resolution to clarify its coverage to include coastal fisheries as well as whaling practices. This action would give further notice to foreign States that the U.S. means to protect its coastal fisheries, but without adopting firm unilateral action which jeopardizes LOS bargain opportunities.

Before concluding my comments on fisheries conservation alternatives, I would like to ask that the editorial from the May, 1974 issue of the *National Parks and Conservation Magazine: The Environmental Journal*, entitled "The Oceanic Fisheries", by NPCA President Anthony Wayne Smith be included in the record of this hearing. Mr. Smith currently serves as a member of both the official U.S. Delegation to the LOS Conference, and the State Department Advisory Committee on the Law of the Sea. His editorial comments are pertinent to the intent of these proceedings.

In summary, the most effective action to conserve coastal fisheries will be legislation to institute the purposes of the 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas.

Mr. Chairman, if I might have another moment of this Committee's time, I would like to mention another tangentially related but equally important issue. The subject of marine mammals, as distinct from fisheries, has apparently been totally neglected in the Draft Fisheries articles submitted by the U.S. to the LOS Conference. These articles attempt to classify both fish species and marine mammals together as "living resources of the high seas," with the primary conservation principles covering both diverse groups being maximum sustainable yield, maximum utilization and equitable allocation. As this Committee well knows, the Marine Mammal Protection Act of 1972 (P. L. 92-522) establishes firm guidance for management of marine mammals, and requires in Section 108 (a) (4) that those administering marine mammals seek the amendment of international treaties to make them consistent with the purposes and policies of that Act. Simply put, the LOS negotiations seem to have ignored the policies set out in Section 2 of P. L. 92-522 which includes the statement that "marine mammals have proven themselves to be resources of great international significance, aesthetic and recreational as well as economic, and it is the sense of the Congress that they should be protected and encouraged to develop to the greatest extent feasible commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem. Whenever consistent with this primary objective, it should be the goal to obtain an optimum sustainable population keeping in mind the optimum carrying capacity of the habitat."

Congress has determined that marine mammals are to be managed in terms of optimum sustainable population, carrying capacity of the habitat, and health of the ecosystem. The LOS Draft Fishery articles fail to take account of this.

Thank you for the opportunity to present the views of the NPCA on this important issue.

Senator STEVENS. We will recess, subject to the call of the chair.  
[Whereupon, at 3:15 p.m., the hearing was recessed, subject to the call of the chair.]

## INTERIM FISHERIES ZONE EXTENSION AND MANAGEMENT ACT OF 1973

FRIDAY, MAY 3, 1974

U.S. SENATE,  
COMMITTEE ON COMMERCE,  
SUBCOMMITTEE ON OCEANS AND ATMOSPHERE,  
*Washington, D.C.*

The subcommittee met at 10:35 a.m. in room 5110 of the Dirksen Senate Office Building, Hon. Warren G. Magnuson (chairman of the committee) presiding.

The CHAIRMAN. The committee will come to order.

We are a little bit late, but with the bus strike getting up to the Capitol this morning was quite a chore for me. I don't know whether it was for the rest of you.

We have a fairly long list of witnesses, and there will be two or three other Senators here shortly.

This is a continuation of a series of hearings on proposed legislation to extend the contiguous zone of the fisheries to 200 nautical miles.

Senator Packwood was coming to testify, but he is going to submit a statement, I believe.

We have a sparse attendance this morning because the Senate is not in session today and many of them took advantage of the weekend to go home. If I had known this on Tuesday, I might have gone myself.

[The statement follows:]

### STATEMENT OF HON. BOB PACKWOOD, U.S. SENATOR FROM OREGON

Mr. Chairman, I am honored to have the opportunity to speak before this Subcommittee on behalf of many of Oregon's commercial and sport fishermen, conservationists and concerned citizens. Because of Oregon's overwhelming support and my strong personal convictions, I am solidly behind enactment of S. 1988, which would, on an interim basis, extend the United States contiguous fishery zone to 200 miles.

I believe strongly in the importance, the necessity, of worldwide cooperation, both in terms of keeping the peace and in helping to achieve global prosperity. However, while a more effective structure is being sought to provide the cooperative means to achieve these ends, we cannot afford to suffer the vacuum of action surrounding the rights of the American fishing industry and, indeed, the fisheries themselves.

Make no mistake about it, by allowing foreign fishing fleets the unjustified luxury to clean our waters—and not just 200 or 150 miles off our shores but even within the 12-mile limit—by allowing the Japanese, the Russians, the Polish, the East Germans to fish to their hearts' content and their illegal nets' capacity, we are opening the floodgates to disaster.

(787)

Annually, we find the number of our fishing vessels reduced, just as bit by bit our catch dwindles, too. Figure after figure starkly illustrates this unbelievable decline. According to the National Marine Fisheries Service, Oregon's catch in 1973 marked a 5.1 million pound decline from 1972 landings. Unless the government acts to protect its commercial fishermen, by 1990 almost every substantial stock of fish now in the ocean may be in danger of extinction. Couple that estimate with the widely acknowledged forecast that by 1985 the world demand for food fish will be 65 to 100 percent greater than the 1965 catch, and the importance of this legislation is underscored a thousand times.

We can possibly meet this demand—but not unless we practice marine conservation now. Because of international intransigence, we have no choice but to act as a nation to protect our fish and our fishermen before it is too late. Foreign fishermen are scooping up our fishermen's livelihood, and they are heedlessly draining a vital natural resource. The prospect of reversing this trend may be dismal, but despite the increasingly slim odds for relief, it is imperative that we move now in this Congress. We cannot cast our fate to the prevailing wind. In short, the need for sound management is critical. Without this management, unchecked foreign domination so close to our shores shall surely bring us all, eventually foreign and domestic alike, to the brink of complete depletion of our fishing resources.

We once referred to the ocean as the planet's "last frontier", promising an unimaginable bounty in food and mineral resources. Today we know better. We know better, but in the learning we've paid the price of the virtual extinction of many species of fish. Like so many frontiers of the world that have come and gone, the seas have succumbed to the ravages of man. And despite the fact that we find ourselves teetering precariously into the future, we can still find foreign fishermen pillaging our coasts as if there were no tomorrow. We can simply no longer tolerate this gluttonous devastation of our fisheries.

Part of the crisis might be attributed to improved fishing technology—larger and faster boats, improved fishing gear and fishing techniques—but all the new technology in the world does not contribute to the depletion of our stocks of fish as much as the plain, out-and-out irresponsibility of foreign fishing marauders.

Something has to be done. Ideally, the 130 or so nations affected by fishing management should sit down together to develop a realistic policy which could be applied on a worldwide basis to save our fisheries. In the final analysis, marine conservation, because of the very nature of the oceans, will only work on a global basis. But as the Chairman of this Committee is all too aware, having been deeply involved for 16 years in the one hope for global cooperation—the Law of the Sea conferences—the nations of the world have simply not faced up to the deterioration of our fisheries. Rather, they have turned their backs on the dilemma. For 16 years we have participated in the Law of the Sea conferences with other nations, but our international regulatory mechanisms simply have not met the needs of our nation's fishermen.

The choice clearly has been either fish only for today without thought to future consequences, or, plan for tomorrow. Time and time again the Law of the Sea conferences through indecision have chosen the irresponsible option. The coastal states simply cannot wait for the turtle-like response of the international community. We cannot wait for the rest of the world to finally snap to. The United States must act now. Conservation dictates the extension of the fisheries zone. The very livelihood of our fishermen demands approval of this bill. America must take the lead, for until the nations of the world come to their senses, and especially those who exploit the sea beyond redemption, we must assert our intention to protect our fish and our fishermen. Enactment of S. 1988 is a step in this necessary direction.

I spoke earlier of my fellow Oregonians' support for this measure. This enthusiasm was vividly manifested during informal hearings I conducted last February in Coos Bay. Dozens of witnesses related the devastating effect of the intrusion of foreign fishing vessels—an invasion not limited to the 12-mile limit, as frequent incursions have been reported inside that boundary. Hopefully, the construction of a Coast Guard Air Station at North Bend, which should be in operation by next year, shall limit these violations. It has become all too apparent, however, that even with the benefits of stronger enforcement of the twelve-mile limit, it is still a drop in the bucket when considering the massive depletion of fisheries in the ocean beyond. We must, I stress again, extend to 200 miles.

A second development which I believe strongly illustrates the grave concern of Oregonians over the gutting of fisheries off the coast is the passage by the Oregon Legislature of a 50-mile "conservation zone—a narrow belt considering that Iceland and several Latin American countries also are claiming 50 to 200 mile territorial seas. While the constitutionality of such a move is certainly arguable, beyond a doubt this resolution's truly greater impact is to relate Oregon's deep commitment to save our marine resources.

Mr. Chairman, it is time to heed the mounting signs which point to disaster in our oceans; it is time to accord the support due this country's fishing industry if it is to survive.

Passage of S. 1988 is vital to the well-being of fishermen; it is important to America; and in the end it will be important to the future of the world.

Mr. Chairman, I ask permission to append my remarks with the transcript of the Coos Bay hearings to extend the fishing zone from 12 to 200 miles as soon as that testimony is made available to me.

The CHAIRMAN. Our first witness will be Kenneth Rush.

Because the acoustics are not as good as they should be, pull the microphone as close as you can and talk a little louder than normal so people in the back can hear.

Before you start, Mr. Secretary, I want to make some short remarks.

We have held one hearing here in which we heard some of the people in Washington, and then we have held field hearings in other parts of the country. I had two in my State, the Senator from Alaska held hearings up there, and the New England Senators are going to have hearings rather shortly. Then we may come back here to Washington for one more hearing after finding out what is going on in the field.

Go ahead.

**STATEMENTS OF HON. KENNETH RUSH, ACTING SECRETARY, DEPARTMENT OF STATE; ACCOMPANIED BY JOHN NORTON MOORE, CHAIRMAN, NATIONAL SECURITY COUNCIL INTER-AGENCY TASK FORCE ON LAW OF THE SEA AND DEPUTY SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR THE LAW OF THE SEA CONFERENCE; DONALD MC KERNAN, AND BURDICK BRITTIN, CONSULTANTS TO THE DEPARTMENT OF STATE; AND ROBERT M. WHITE, ADMINISTRATOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION; ACCOMPANIED BY HOWARD W. POLLOCK, DEPUTY ADMINISTRATOR; AND ROBERT S. SCHONING, DIRECTOR, NATIONAL MARINE FISHERIES SERVICE**

Mr. RUSH. Mr. Chairman, Senator Stevens:

It gives me special pleasure to appear before you this morning to testify for the executive branch on an important piece of legislation in an area I have been following attentively.

We are all aware, Mr. Chairman, of the close personal attention which you and other members of your committee have given to possible solutions for U.S. coastal fisheries problems, both in the context of the Law of the Sea Conference and in the interim period before the Conference. We share a common interest in effectively resolving these problems. And they are real problems which affect two critical ocean areas.

The first is the region off the Atlantic coast and New England. We went to great lengths to call special meetings of the International Commission for the Northwest Atlantic Fisheries last October and January, and sent our best experts to attend. I believe the concessions we obtained from the member countries of ICNAF are substantial from our point of view. They go a long way toward providing the interim safeguards we need. We must now see whether these measures are effective.

The second region is that off the Pacific Northwest and Alaska: your home area, Mr. Chairman, and that of your distinguished colleague, Senator Stevens.

This is a region in which both Japan and the Soviet Union have very large fisheries. We have tried in bilateral efforts with these countries to reduce the impact of their fishing. Our experts believe we are making progress. There are, of course, special problems in this area concerning salmon and halibut. We are working to reduce the impact of Japanese fishing on salmon and of the fisheries of both countries on halibut. The Japanese, as this committee is aware, recently made significant concessions on halibut.

What I am saying, Mr. Chairman, is that we are actively seeking to obtain the cooperation we will need to protect our fisheries during the interim period before conclusion of an agreement on law of the sea.

These efforts on our part have by no means eliminated the problems I have referred to. More work is needed. I do believe, however, that more time is also needed to test the effectiveness of the agreements we have reached, and to permit us to build upon these agreements in furthering our interests. This is a continuing process.

In the Department of State, for example, we are establishing a new Bureau of Oceans and International Environmental and Scientific Affairs headed by an Assistant Secretary of State. Within this new Bureau we plan to designate one Deputy Assistant Secretary to concentrate exclusively on fisheries and oceans matters.

Senator STEVENS. Isn't that really downgrading fisheries matters as far as the Department is concerned? We had an Ambassador before that?

Mr. RUSH. He is going to have the rank of Ambassador, Senator Stevens.

The CHAIRMAN. Don McKernan is listed as a witness.

Mr. RUSH. He is on his way.

The CHAIRMAN. I thought he quit the State Department and yet he is right back again.

Mr. RUSH. He is a consultant now, Senator Magnuson.

The CHAIRMAN. Did you answer the Senator from Alaska's question?

Senator STEVENS. Who is going to be the Assistant Secretary? As far as I am concerned, if it turns out to be an international environmentalist we have lost ground.

Mr. RUSH. The purpose of this reorganization now that Congress has led the right way is to upgrade and not downgrade our fisheries responsibilities, and we intend to do that.

The new Deputy Assistant Secretary for Oceans and Fisheries will have the rank of Ambassador, with the concurrence of the Senate, and we intend to upgrade it, not downgrade it.

The CHAIRMAN. When will he be named?

Mr. RUSH. I wish I could give you that information.

The CHAIRMAN. When you created it, why didn't you name him?

Mr. RUSH. I have a Secretary that I have to consult on that. We have several very good names under consideration right now, Mr. Chairman.

The CHAIRMAN. It probably isn't your fault. Send a message down. Name them, get them up and get it over with. That is the whole problem here: Delay, delay, delay.

All right.

Mr. RUSH. We believe that these efforts will considerably strengthen the Department's ability to coordinate foreign policy in this field and give the area of fisheries the attention it must have.

Our negotiating efforts and the creation of a new bureau, Mr. Chairman, demonstrate our deep concern for the interests of our fishermen. Nevertheless, after the most careful consideration of S. 1988, and in full recognition of the gravity of the issues we are addressing this morning, I must inform this committee that the executive branch is opposed to the enactment of this bill.

The unilateral extension of jurisdiction required by this bill would have serious foreign policy implications which could create political tensions internationally. Such extension could seriously prejudice the achievement of satisfactory resolution of the fisheries and other issues at the Law of the Sea Conference; it would be harmful, on a long-term basis, to all U.S. fishing interests; and it would be a violation of international law.

The enforcement problems inherent in the unilateral extension of jurisdiction must be considered. The potential for international incidents, particularly with such nations as Japan and the Soviet Union, would be grave.

The CHAIRMAN. Would you rather complete your statement and then go back to questions on this matter of international law? I think you had better complete your statement and then we will come back to it.

Mr. RUSH. Fine.

In short, passage of this bill could create some serious international problems.

Mr. Chairman, we fully recognize that overfishing has caused depletion of some of our coastal stocks, a problem quite properly emphasized in S. 1988. We share your concern for the many U.S. coastal fishermen who are facing severe economic problems.

In view of the Law of the Sea Conference which will begin its substantive work in Caracas on June 20, we believe these problems are interim in nature. We expect the conference to produce satisfactory solutions. We believe that truly satisfactory solutions can best be achieved not by unilateral action, but by broad multilateral agreement.

At preparatory sessions for the Law of the Sea Conference, the United States introduced a fisheries proposal designed to give coastal

states extensive jurisdiction over coastal stocks to the limits of their range, and to promote effective conservation and management of fisheries. Under our proposal the coastal state would have a preferential right to that portion of the allowable catch it could harvest. The remaining portion would be open to harvest by fishermen of other nations, subject to nondiscriminatory coastal state conservation measures and reasonable management fees.

Anadromous species would also be subject to extensive host state control to the limit of their migratory range. On the other hand, highly migratory stocks such as tuna would be managed by international organizations in which all fishing and interested coastal states could participate.

In the context of the conference, a large majority of nations has supported broad coastal state controls over coastal fisheries. It is clear that the outcome of successful negotiations will almost certainly involve substantial enhancement of coastal state control over coastal stocks, and we strongly support this outcome.

Moreover, we believe the conference should also achieve a rational and effective management system for highly migratory species, as well as host state management jurisdiction and preferential rights for anadromous species. A unilateral extension of fisheries jurisdiction at this time, however, could seriously hamper the chances for a satisfactory settlement of all aspects of the fisheries question at the Law of the Sea Conference.

The United States has consistently opposed unilateral claims by other nations. Moreover, because we view a proliferation of unilateral claims at this time as being seriously detrimental to a successful Law of the Sea Conference, we have urged other nations to hold back on unilateral claims. Indeed, we have even indicated to nations with interim problems that we will be glad to help them resolve these problems on a bilateral or multilateral basis.

For the United States to extend its fisheries jurisdiction unilaterally at this time would seriously impair our credibility internationally. It would also weaken the hand of our negotiators and reduce our ability to negotiate a law of the sea treaty which meets our objectives.

Mr. Chairman, we believe that unilateral extension of our fisheries jurisdiction would prejudice both the short and long-term interests of our distant-water fisherman. Subsequent to our unilateral claim, the United States would be compelled, in effect, to recognize extended fisheries zones of other coastal states, at least to the extent of our own unilateral claim.

This would have a direct and immediate adverse effect on our distant water shrimp fishing industry and on the tuna industry, with concomitant detrimental implications for the coverage of the Fishermen's Protective Act of 1967.

It is evident to us that the interests of our distant water fisheries will be immediately prejudiced. Further, the chances of achieving any satisfactory resolution of our distant water fisheries problems in the Law of the Sea Conference will have been gravely impaired.

Similarly, the long-term interests of all of our fishermen may actually be prejudiced. A unilateral extension of our contiguous fisheries

zone to 200 miles as outlined in this bill would undercut our position on coastal fisheries, namely, that the most effective management can be achieved by exercising control over the stocks as far offshore as they range, even if in certain areas that includes jurisdiction beyond 200 miles.

It is also our opinion, and the opinion of other states interested in coastal fisheries, that unilateral action will actually make it more difficult to extend coastal state fisheries jurisdiction at the conference itself, since the position of distant water fishing states would be prejudiced. If the consent of those states to a comprehensive treaty is to be obtained, specifically including a new regime for fisheries, coastal state regulatory authority and enforcement powers over coastal fisheries must be made subject to international safeguards and provisions regarding access.

Mr. Chairman, implementation of S. 1988 would affect more than our fisheries interests alone. Unilateral action of the sort contemplated by this bill is, in our opinion, contrary to established principles of international law.

It is our view that under existing international law no state has the right, unilaterally, to extend its fisheries jurisdiction more than 12 miles from its coast. We do not recognize foreign claims to greater distances, and we have repeatedly protested such claims made by other states.

Unilateral action under S. 1988 might also be considered a violation of the 1958 Geneva Conventions on the Law of the Sea. The principle that international law is to be observed applies at all times, and the United States has persistently maintained a policy in accordance with that principle. To change that policy could have ramifications far beyond the fisheries question, or even all of our oceans interests.

A violation of international law on our part would no doubt encourage similar claims by other states. The nature of such foreign claims, however, would not necessarily be limited by the nature of our own claims. As such, unilateral action in this area by the United States could trigger damaging unilateral claims by other nations, thereby affecting U.S. national interests in navigation and overflight, protection of the marine environment, and marine scientific research.

Mr. Chairman, in view of the serious prejudicial impact this bill could have on the Law of the Sea Conference as a whole, it cannot be deemed an interim measure. All too easily, it could destroy the Conference and have a permanent effect on fishing and other interests.

Despite our belief that passage of this bill would be a serious mistake, I wish to emphasize again that the interim fishing problem cannot be ignored. We are sensitive to the difficulties of our coastal fishermen and aware of the need to resolve them.

Recognizing that the Law of the Sea Conference will take time to complete its work, and that there will be additional delays pending entry into force of the finalized agreements, we understand the need and desire for interim measures to enhance the protection of our coastal stocks.



As you are aware, Mr. Chairman, we have taken steps over the past several years to help our coastal fishermen. We are, however, the first to admit that these steps have not been fully satisfactory to all segments of our fishing industry.

When the new international legal system for fisheries management is established by the Law of the Sea Conference, we can expect the full protection required. During the interim period, we will continue to try to find ways to cope with the problems.

Let me touch briefly on two of the measures which we have undertaken.

First, we have proposed that the fisheries regime agreed to by the Law of the Sea Conference come into effect on a provisional basis pending the actual entry into force of the treaty.

Second, we have strengthened both bilateral and multilateral agreements with nations whose nationals conduct fishing operations off our shores.

Mr. Chairman, while a bill such as S. 1988 could provide added protection during this period, we believe, as I have testified, that the legislation could have serious harmful consequences for the foreign relations interests of the United States, our wide-ranging law of the sea policies, and our fishing interests. In our opinion, the harm done to our fishing and other national interests by this type of unilateral action would far outweigh any short-term, interim benefits from this legislation.

Mr. Chairman, although we strongly oppose S. 1988, we appreciate and wish to support your strong leadership in protecting U.S. fishing interests. That leadership has repeatedly been demonstrated over many years. We look forward to continuing our cooperation with you and your committee in these vital matters.

I am accompanied by Mr. John Norton Moore, Chairman of the Interagency Task Force on the Law of the Sea and Deputy Special Representative of the President for the Law of the Sea Conference. Ambassador Donald McKernan, now a consultant to the Department of State, missed his plane connection in Chicago but he is expected to arrive at National at 11 o'clock and he should be here very soon. We have with us Mr. Robert White, Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce.

The CHAIRMAN. If Don is not here on time, I can give his testimony as I know it by heart. We have had a lot of discussions.

Mr. RUSH. I don't know how you would like to proceed, Mr. Chairman. We could either have Mr. Pollock give his testimony and have all the questions, or I would be glad to receive questions right now.

The CHAIRMAN. We would be glad to hear from Mr. Pollock at this time, if he wants to, or we could ask you a few questions that we may have.

We are glad to have Mr. Pollock here with us. We know he has been very active in matters over the years, accompanied by his boss.

Dr. WHITE. Mr. Chairman, I originally planned to be elsewhere today, but because of the importance of the matter being discussed at the hearings, I decided my presence would be much more valuable here.

Mr. Howard Pollock, our Deputy Administrator, has been working on the testimony which we have prepared, and he will deliver the testimony.

Mr. Pollock, as you know, in addition to being Deputy Administrator of NOAA, is also the representative for the Department of Commerce on the Task Force for the Law of the Sea.

Mr. POLLOCK. Thank you very much, Bob. Mr. Chairman, Senator Stevens, I thank you for the opportunity to testify on the 200-mile zone fisheries legislation this morning. I want to clearly state we of NOAA and the National Marine Fisheries Service in the Department of Commerce want just as much as you do substantially expanded U.S. control and improved protection for the fisheries off our coasts. Such protection is essential to ensure the survival of valuable fisheries resources, to provide jobs for fishermen and seafood processors, and to provide those incidental benefits for coastal communities that result from a healthy commercial fishing industry.

It seems to me that your objectives are quite the same as ours. We want to protect our coastal fishing stocks, which in turn will provide an opportunity for our coastal fisherman to catch more fish on a continuing basis. The issue really is how we can best achieve these objectives in the shortest possible time, without seriously affecting our other national and international objectives. We should not make a precipitous unilateral move to enhance the position of one segment of our fishing industry which could damage other segments and seriously jeopardize the other national interests to which Secretary Rush has referred. Although we may not be moving with sufficient speed to satisfy everyone, we have embarked upon a course in the LOS arena which has the greatest chance for mutual benefits for each and everyone of our American fisheries. And, it must be remembered that, although we have been in preparation for several years, we are only now beginning the LOS Conference. Of course we want to help our coastal fisherman, but we want to protect our tuna and salmon fisherman too.

Secretary Rush presented to you the major reasons for opposition to passage of this bill. While I wish to submit my full concurrence with Secretary Rush's testimony, I do not wish to repeat his statement, but instead want to present some points which are of particular relevance to the interest of NOAA and the National Marine Fisheries Service, which is the fisheries agency of the U.S. Government.

We feel strongly that in the interim before any international agreement, measures must be taken to relieve the pressing problems of our domestic coastal fishermen. I would like to take a few moments to discuss some of our activities in this area, as well as some further possibilities for action.

The most notable success, and an historic breakthrough, was made in this respect at the October meeting of ICNAF, the International Commission for the Northwest Atlantic Fisheries. This agreement, involving a 3-year annual reduction of quotas, is designed to halt further depletion of valuable fish stocks. It would enable the establishment of a level of fishing by 1976 that would be consistent with rebuilding the resources to produce maximum sustainable yield.

The two-tiered quota system sets national catch limits by species as well as national overall quotas for specified ICNAF areas off the

Atlantic coast. The overall quota for each country is smaller than the sum of its individual species quotas, in recognition of the fact that the intentional harvesting of one species can also include the incidental taking of other species, and cause unpredictable effects on the overall system which must be taken into account in management programs.

The reduction in catch necessary to implement this restoration plan will be borne entirely by foreign distant water fleets. In fact, modest catch increases are allowed for our fishermen and those of Canada. However, the quotas for 1974 will force a 30 percent reduction on Soviet and E. German fishing and a 25 percent reduction for Poland. Further reductions are already locked in for 1975 and 1976.

An additional step was taken to aid the U.S. groundfish fishery. The Commission agreed to prohibit large vessels from taking fish, other than crustacea, with bottom-tending gear in shallow waters off New England during the latter half of the year, in order to minimize incidental catches of yellowtail flounder and other species of importance to U.S. bottom-trawl fisheries.

This policy of conserving stocks and restricting foreign fishing for valuable species of special concern to U.S. coastal fisherman is the essence of our three bilaterals in the western mid-atlantic.

The agreements with the U.S.S.R. and Poland prohibit fishing in certain areas and at certain times to provide protection for bluefish, lobster, flounders, hake, herring, and menhaden, among others. Increased protection was afforded these species by the recent mid-1973 agreements. At that time new assurances were added, indicating that Soviet and Polish vessels were not intentionally to catch lobster north of Cape Hatteras, and that incidental catches were to be returned to the sea in a viable condition. Since that time Congress has declared lobster to be a creature of the shelf and all foreign governments fishing off our east coast have been advised that any fishing for lobster is prohibited.

In December of 1973, we concluded a bilateral agreement with Romania regarding fisheries in this same area. The new agreement includes arrangements similar to, but more restrictive than those in the bilaterals with the U.S.S.R. and Poland. In particular, the Romanian agreement moves further in the direction of closing coastal fishing grounds to bottom fishing by distant-water vessels for extended periods of time and in some cases to all fishing.

The latest gains in ICNAF negotiations and the existing Atlantic coast bilaterals, should provide significant protection for Atlantic resources in the interim before an LOS agreement.

Off our western coast, existing agreements offer substantial but frankly not totally comprehensive protection for species of domestic importance. Mr. Chairman, it may come as some surprise for me to say that almost all North American salmon are protected by the abstention principle of the International Convention for the High Seas Fisheries of the North Pacific Ocean (INPFC) which prohibits Japanese fishing for stocks of any of the salmon species east of the 175° west longitude.

The CHAIRMAN. Why is that a surprise to you?

Mr. POLLOCK. That only 3 percent of the salmon stocks are taken by the Japanese fishermen, and we tend to believe that all of the harm is done by the Japanese fishermen.

The CHAIRMAN. What comes as a surprise is your calculation on the amount of the catch, is that correct?

Mr. POLLOCK. Would you repeat, sir?

The CHAIRMAN. Your surprise is the calculation that you have on the amount of the catch?

Mr. POLLOCK. I think it was a surprise to many fishermen and many people of the general public that only 3 percent of the catch of the Pacific salmon are taken by the Japanese west of the 175° west longitude.

Senator STEVENS. You mean legal catch, don't you?

Mr. POLLOCK. Yes, sir, of course.

Senator STEVENS. We are familiar with that ship that steamed into Juneau, where we found that the whole hold was filled with illegal fish.

Mr. POLLOCK. We do have problems, and I will address the enforcement problem in a minute.

The CHAIRMAN. You mentioned Bristol Bay; you have one up there which you must know about.

Mr. POLLOCK. Yes, indeed.

The CHAIRMAN. All right.

Mr. POLLOCK. If I might proceed, Mr. Chairman, under the protection that I have indicated in our INPFC agreement, about 97 percent of the total catch of North American salmon is taken by the United States and Canada, and only about 3 percent is taken by the Japanese high seas fleet west of this line. However, the North American salmon intercepted by Japanese are mostly Bristol Bay sockeye or red salmon. Consequently, the impact of Japanese high seas salmon fishing falls almost entirely on one locality—the Bristol Bay salmon fishery off of Alaska. In recent years the impact has been acute and is expected to be especially critical this year due to poor salmon runs returning to Bristol Bay. Actually, the poor runs are not due primarily to the Japanese high seas fishery, but are mainly attributed to a combination of variations in the annual salmon migration cycles and to adverse natural environmental conditions, particularly involving severe winters when the spawning beds and the salmon eggs and larvae have been destroyed by ice. The Government of Japan has been made aware by the United States of the severity of this problem and has been urged to cooperate by taking effective actions regarding the operation of Japan's high seas salmon fishery for 1974.

I must be candid in stating that actual resolution of the problem has not been possible to date. This is due in part to the Japanese-Soviet negotiations concerning fisheries provisions for Asian salmon that were in progress until just a few days ago and have now just been concluded. However, further representation to Japan with a view toward ameliorating this problem is anticipated. Since Alaskan salmon migrate in some areas beyond the 175° west abstention line, it is imperative that we retain this measure of protection. A 200-mile

limit would provide only limited protection to these salmon along the Aleutian chain but it would not be in any way helpful in the Bering Sea or the North Pacific outside the 200 miles.

The CHAIRMAN. That is one of the reasons why it doesn't affect this area. The 200 miles has nothing to do with all of this.

Mr. POLLOCK. In the Bering Sea and in the Gulf of Alaska, the salmon migrate considerable distances beyond 200 miles.

The CHAIRMAN. Go ahead.

Senator STEVENS. You don't think that we would have leverage to make those treaties work if we could police the area within the 200 miles on a nonexclusive conservation principle basis?

Mr. POLLOCK. As I was about to allude to in my statement, Senator Stevens, I think the problem is a very real danger that if we abrogate international law by unilateral declaration of a 200-mile zone, there is a very real possibility that Japan would seek to abrogate the INPFC agreement.

The CHAIRMAN. I want to stop right there. I have heard that statement over and over again, and I have asked people where they got the information that Japan was going to abrogate the treaty if we did something about protecting our coastal fisheries. I never could get an answer, but everybody categorically says that this is going to happen. Now, I have received no word to that effect. I doubt if the State Department has. They may speculate on it. I have talked to some Japanese people only recently. After 10 years they were able to call for treaty renegotiation. I don't know why everybody who comes up here in opposition to this bill assumes the minute we talk about 50 miles or a 100 miles or 200 miles to protect our coastal fisheries, that Japan is immediately going to abrogate a treaty that takes care of fish 2,000 miles away. This to me is inconceivable, and everybody makes that statement. I don't know where you get that. There is no official statement to that effect.

Mr. POLLOCK. I will try to respond, Mr. Chairman. The point I am trying to make is if we—

The CHAIRMAN. Now wait a minute. I know there might be a fear that this might happen, but that fear is there all the time, whether you have 200 miles or nothing.

Mr. POLLOCK. It is a fear—

The CHAIRMAN. I have been to meetings as long as 10 years ago when that was all we were concerned about, whether they were going to give notice to abrogate the treaty. I have been in Tokyo with them. That problem has been with us all the time, long before anybody thought of the 200 mile question. I cannot for the life of me understand how protecting our coastal fisheries should have anything to do with a treaty with Japan 2,000 miles away. I just can't understand that. If they had fish around their shores, believe you me, they would have a limit. The best fishing area in the world way back 70, 80 or 100 years ago was around the islands of Japan. They have nothing left because they didn't practice conservation. Now, they are poaching upon our resources. This for me is hard to believe. If they were in our shoes, believe me, the Diet would meet tomorrow and pass a bill. But, oh, no, not us. I don't understand our attitude. Go ahead.

Senator STEVENS. Before you go ahead—

Mr. POLLOCK. I have never answered the Chairman.

Senator STEVENS. It is the same thing. You're presuming that we are abrogating a treaty if we pass this bill, aren't you?

Mr. POLLOCK. I am presuming that in the general context of international law, our unilateral assertion of a 200-mile claim abrogates international law. I am saying simply it is fear and it is speculation, and we don't have any information from the Japanese Government or other fisheries negotiators, but if we take unilateral action to do what we want to do, every other nation has the right to take individual unilateral action also. It would be to their advantage to be able to fish for salmon east of the 175° west.

The CHAIRMAN. The bill provides that even within the 200-mile limit we can make agreements. The Secretary mentioned the problems facing the shrimp people. They have an agreement with Brazil within their 200-mile limit. It is up for renegotiation. They don't fish within our 200-mile limits. Why should it apply to them? They have no intention of fishing? This sensitivity to the feelings of everybody else to the detriment of our own people is hard for me to understand.

Mr. POLLOCK. I would like to take a look at the other side—

The CHAIRMAN. Anyone who makes the statement that Japan will abrogate the treaty, should produce evidence to that effect.

Mr. POLLOCK. I don't think I said they will, Mr. Chairman.

The CHAIRMAN. You say enactment will cause Japan to abrogate the treaty.

Mr. POLLOCK. I am saying this is a very real possibility and a very real fear.

The CHAIRMAN. I know you have no information to that effect. You haven't any information from Japan, have you personally?

Mr. POLLOCK. No, sir. I would hope that it wouldn't happen if you choose to pass the legislation, but I think—

The CHAIRMAN. I don't think anybody else does either. All of these statements, I know where they come from. But go ahead.

Mr. POLLOCK. They don't all really come from one place, Mr. Chairman. If I might proceed to talk about the crab problem, the king crab and the tanner crab bilaterals with the Soviets and the Japanese in the eastern Bering Sea offer another example of agreements which provide substantial, if not comprehensive, interim protection to our coastal resources. Agreements with both countries include provisions for country quotas by area, minimum size limits, restricted fishing gear and other measures to protect the stocks.

Recognition of the fact that Pacific halibut stocks are in danger from heavy incidental catches has precipitated new efforts to conserve these important stocks. In December of 1973, the Japanese agreed, at the request of the United States and Canada, to prohibit all trawling in certain areas of the eastern Bering Sea at times when incidental catches of halibut are high. Additional United States-Soviet and United States-Japan agreements also place restrictions on Soviet and Japanese use of mobile fishing gear in the eastern Bering Sea and the Northeast Pacific in specified areas when U.S. halibut fishermen are operating. Under a United States-Republic of

Korea bilateral agreement which entered into force in December 1972, Korea also agreed to refrain from fishing for halibut and salmon throughout the North Pacific Ocean and the Bering Sea east of 175° west longitude.

In addition, further possibilities in the form of fishing gear restrictions to protect halibut are being investigated. For example, it may be that restricting foreign operations to midwater trawling will substantially reduce the incidental halibut catch, but will not be so damaging to foreign fishing as to be unacceptable.

The CHAIRMAN. Now, all these things are fine. The more agreements we can make the better. But they all deal with fishing beyond 200 miles, particularly in the North Pacific. Agreements can be made within, say 200 miles, and they are all fine, but we are not making any progress on this other thing. This is the problem. If everybody could have agreements, you and I wouldn't even have to talk about it.

Mr. POLLOCK. That is correct, Mr. Chairman.

The CHAIRMAN. Korea violates that treaty regularly. Not every day, but during the fishing season. The Government says that they shouldn't do it. You know that fellow over there that controls the fisheries, I forget his name, you know him, Howard—everybody knows him; I can't remember his Korean name—

Senator STEVENS. Before you go ahead—

Mr. POLLOCK. The point I want to convey to the committee is that we are trying to do things in the interim, pending the time when we negotiate the Law of the Sea Treaty. We are not just sitting on our hands while trying to negotiate a treaty that is going to take some time.

The CHAIRMAN. There is no question about it, and you have been trying down there long before any of us here were around.

Mr. POLLOCK. And we are making progress.

The CHAIRMAN. I will remember that.

Senator STEVENS. How can you say you are making progress?

The CHAIRMAN. You are not making any progress. This is the trouble.

Senator STEVENS. Here is the release that was issued. You paint a very glowing picture about the meetings in Japan. I have the release that was issued by NOAA, the National Marine Fisheries Service after that meeting in Japan in December of 1973, and it says that your Director Robert S. Schoninger "criticized the Japanese for their failure to respond adequately to the two crucial conservation programs," and they failed to meet up to the urgent need to solve conservation problems.

"The Tokyo meeting clearly demonstrates that Japan increased rather than decreased its fishing effort in 1973 in key areas where Bristol Bay sockeye salmon are vulnerable to capture during migration." It also points out the problems about the halibut stocks. Has there been a meeting since December which I don't know about?

Mr. POLLOCK. Let me make very clear the fact that what we are trying to do is get together with the nations that cause us the fishing problems; to get them to reduce their quotas, both overall and species quotas; and we are trying to resolve problems as they come along. No one can deny that the fisheries of Russia and Japan and

other countries have been built up in the last 8 or 10 years to a very alarming degree.

Senator STEVENS. It says in December of 1973 the Japanese agreed to request the United States and Canada to prohibit all trawling of certain areas of the eastern Bering Sea at the time of incidental catch of halibut or cods. Mr. Schoning points out that the proposed restriction would appear during periods when Japan's trawling efforts are relatively low but corresponds to a period when a high proportion were trawling in rest and resupply areas. Japan said it would not agree to proposals because of a substantial reduction in halibut catch by trawlers of other species. You tell us you made substantial gains and the release made by your Agency says you failed. As a matter of fact, I put it in the record and pointed it out, I think it was very good that your people when they came back told us what went on. Now you tell me we have made substantial gain. I pointed this out to Professor Moore, not once has the State Department forfeited any of the rights that the foreign people have in our waters as a result of the repeated violations by those people who are actually using rest and resupply areas. Sometimes, I think the Coast Guard could document this, the vessels that used resupply areas, in fact, were at times some of those who violated the 12-mile zone, not the 200-mile zone. I am disturbed, Howard, that your statement indicates that things are all very good and I ought to go back and tell the Alaskan fishermen that they have nothing to worry about, because Japan agreed to these things, but yet a release put out after the meeting was over says things were pretty bad.

Mr. POLLOCK. My good friend, we didn't stop at the time of the Tokyo INPFC meeting. We continued to work and we obtained some concessions from Japan in December, 1973, and I would be happy to submit for the record, the domestic measures voluntarily taken by Japan as a result of our subsequent meetings with them concerning halibut.

[The following information was subsequently received for the record:]

DOMESTIC MEASURES TO BE TAKEN BY JAPAN

1. The Government of Japan, as a domestic measure, is prohibiting operations of mothership and North Pacific trawl fisheries during the period from December 1, 1973, to March 31, 1974, in each of the following three areas:

(1) Misty Moon Ground: bounded by straight lines connecting the coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
56°18'	170°24'
56°20'	169°03'
56°12'	168°46'
55°56'	169°10'
55°56'	170°24'

(2) Corridor Grounds: bounded by straight lines connecting the coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
58°32'	174°52'
58°40'	174°20'
57°02'	173°00'
56°52'	173°44'



(3) Area B.

2. The Government of Japan, as a domestic measure, is prohibiting operations of mothership and North Pacific trawl fisheries in Area A south of 55°30'N during the period from January 1, 1974, to March 31, 1974. (Note: For the Polaris Ground in Area A, the Government of Japan has prohibited operations of mothership and North Pacific trawl fisheries since December 1, 1973.)

3. The Government of Japan, as a domestic measure, is prohibiting operations of the landbased dragnet fishery in the area between 170°W and 175°W during the period from December 1, 1973, to March 31, 1974.

4. The Government of Japan, as a domestic measure, is prohibiting the retention of halibut caught in the area between 180° and 175° W south of 59°30'N by vessels fishing with any type of net trawl gear.

5. The Government of Japan, as a domestic measure in 1974, will take necessary measures to prohibit operations of mothership and North Pacific trawl fisheries during the period from December 1, 1974, to March 31, 1975, in each of the following two areas: (1) Area A, south of 55°30'N; (2) Area E, south of 56°00'N;

6. The Government of Japan, as a domestic measure in 1974, intends to prohibit trawling of all kinds in an area defined as follows:

"An area delimited by the line of 160°W; a line connecting the point of 57°10'N, 163°W; the line of 163°W; a line running from the point of 56°20'N, 163°W, through the point of 56°N, 164°W, to its intersection with a line connecting Cape Navarin of the USSR and the northern tip of Cape Sarichef, Unimak Island; a line connecting Cape Navarin and the northern tip of Cape Sarichef; the Aleutian Islands; and the Alaska Peninsula."

7. The Government of Japan will take approximate voluntary measures to remove all longline gear from the water in the respective closed areas for a period of 48 hours prior to the respective closed opening dates of the halibut fishing seasons, although it involves difficulties both practical and legal to take such measures.

AREAS OF EASTERN BERING SEA WHERE HALIBUT CONSERVATION  
MEASURES APPLY

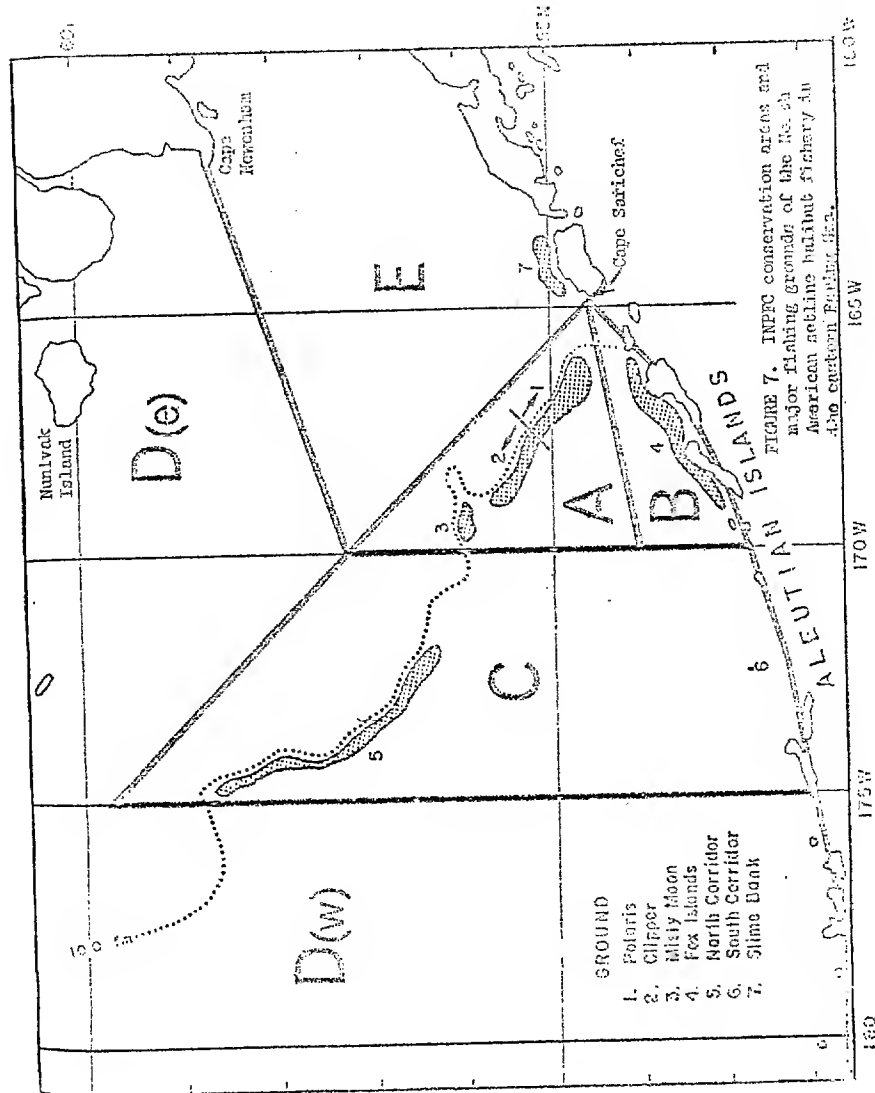
*Area A.* That portion of the Bering Sea bounded by a line connecting Cape Navarin and the northern tip of Cape Sarichef on Unimak Island; the meridian of 170°W; and a line connecting said northern tip of Cape Sarichef with a point on the meridian of 170°W; and a line connecting the northern tip of Cape Sarichef on Unimak Island and a point on the meridian of 170°W at 54°N.

*Area B.* That portion of the Bering Sea bounded by the Aleutian Islands; the meridian of 170°W; and a line connecting said northern tip of Cape Sarichef on Unimak Island and a point on the meridian of 170°W at 54°N.

*Area C.* That portion of the Bering Sea bounded by the Aleutian Islands; the meridian of 175°W; that portion of the line connecting Cape Navarin to the northern tip of Cape Sarichef on Unimak Island between 175°W and 170°W; and the meridian of 170°W.

*Area D.* That portion of the Bering Sea east of the meridian of 175°W and north of a line from Cape Newenham to the intersection of a line from Cape Navarin to the northern tip of Cape Sarichef on Unimak Island with the meridian of 170°W, and a line from this point to the intersection of the meridian of 170°W, and a line from this point to the intersection of the meridian of 175°W with the line from Cape Navarin to the northern tip of Cape Sarichef on Unimak Island.

*Area E.* That portion of the Bering Sea bounded on the north by a line from Cape Newenham to a point at 57°15'N, 170°W, on the west by the eastern boundary of Area A, and on the south and east by the Aleutian and the Alaska Peninsula.



Senator STEVENS. Are you telling me that they have now agreed to what they did not agree to in terms of the restriction as to their trawling efforts on the edge of the shelf when immature halibut comes across the edge? Have they changed their position from the meeting that took place in Tokyo with the North Pacific Fisheries Commission?

Mr. POLLOCK. Yes, Senator. I would like, if I might, take a moment and ask Mr. Robert Schoning, who is our U.S. representative and the Director of our National Marine Fisheries Service to respond to you directly.

The CHAIRMAN. I want to put this in the record. A release by NOAA on March 19, which expresses deep concern that Japan had not taken any effective action at all regarding the operations of its high seas gill net fisheries.

Mr. POLLOCK. There is a confusion between salmon and halibut.

The CHAIRMAN. It has been a keen disappointment at Japan's continued failure to respond in a meaningful way to the critical conservation needs which you said were clearly enunciated in Tokyo.

Mr. POLLOCK. The item you are talking about now was with reference to salmon. Our discussion a minute ago was with respect to halibut.

The CHAIRMAN. If they haven't done it as of now, it is too late. The Japanese go out of there this week, early May, usually, for the North Pacific salmon fishing. It is just scandalous. I want this put in the record.

[The release follows:]

#### U.S. URGES JAPANESE ACTION TO CONSERVE SALMON RESOURCE

The Commerce Department's National Oceanic and Atmospheric Administration today expressed deep concern that Japan has not taken any effective action regarding the operations of its high seas gill net fishery in 1974 on what is expected to be one of the lowest runs of Bristol Bay (Alaska) sockeye salmon in history. Immediate cooperative action by the Japanese is considered imperative, inasmuch as the Japanese fleet usually leaves for the North Pacific in early May.

Members of the U.S. Section of the International North Pacific Fisheries Commission and others met in Seattle, Wash., in February to review the situation in light of U.S. concern for the resource. Those attending included U.S. Chairman Elmer E. Rasmuson, Anchorage Alaska; Professors Donald L. McKernan of the University of Washington, Seattle; Robert W. Schoning, Director of NOAA's National Marine Fisheries Service, Washington, D.C.; Harold Z. Hansen, representing Alaska's Governor William Egan; and staff members of the Alaska Department of Fish and Game and NMFS who provided technical data.

Mr. Schoning said he was keenly disappointed at Japan's continued failure to respond in a meaningful way to the critical conservation needs which he said were clearly enunciated at a meeting of the full Commission in Tokyo last November. INPFC comprises representatives of Canada, Japan, and the United States; and one of its primary missions is to ensure the maximum sustained productivity of the fishery resources of the North Pacific.

The Bristol Bay sockeye run in 1974 is forecast to be about 5 million fish, but the minimum number needed for brood stock to ensure maintenance of the resource is about 9.5 million fish, almost twice the number expected to be in the run. The United States is now planning a virtual shutdown in the U.S. harvest of sockeye salmon in Bristol Bay in 1974.

The State of Alaska has announced plans to impose severe restrictions on all fishing for sockeye under its jurisdiction, including prohibiting any directed commercial fishery in Bristol Bay this year with the possible exception of a

small fishery in Togiak, an area at the northern edge of Bristol Bay. Limited numbers of sockeye may be taken incidental to fisheries for other salmon species in the Bay, but no large runs of any species are expected in 1974.

In addition, in an unprecedented move, the Alaska Department of Fish and Game has prohibited sport fishing for sockeye and sharply curtailed the sockeye subsistence catch in the Bay by natives in 1974.

Schoning said: "There is ample biological evidence to indicate the urgent need for strong conservation measures in the salmon fisheries."

The Japanese high seas catch of Bristol Bay sockeye salmon for the past 18 years has averaged about 2.4 million fish a year. This represents about 22 percent of the total annual harvest of Bristol Bay sockeye during that period. The United States feels this harvest must be essentially eliminated in 1974.

Schoning said: "In 1974 it is not a matter of catching a harvestable surplus, but one of possibly saving from extinction a critically low run of the sockeye salmon resource that has been and, with proper conservation measures, can again be potentially the largest in the world."

Director Schoning said that Japan's failure so far to take meaningful action to save such a valuable resource points out the importance of the U.S. fisheries position in the Law of the Sea negotiations. In that forum the U.S. position is that in order to ensure effective management, anadromous species such as salmon and steelhead should be under the jurisdiction of the host State (the State in whose waters spawning takes place) as far offshore as they range. Due to the biological characteristics of these stocks, the United States feels that rational management can best be accomplished if the stocks are harvested in coastal waters, where separate runs can be recognized, instead of in waters far out on the high seas.

Mr. POLLOCK. Mr. Chairman, may I have Mr. Schoning, the Director of the Marine Fisheries Service, address this particular point?

The CHAIRMAN. He made a statement in that release. He can correct the release if he wants to. That was made in March. It was made the 19th of March.

Mr. POLLOCK. You would prefer that he not address the committee at this time?

The CHAIRMAN. He can submit it for the record if he wants to correct his statement. In other words, his statement is inoperative.

Senator STEVENS. Did they meet the objectives which you sought when you went to Tokyo? That is a yes or no as far as I am concerned.

Mr. SCHONING. To a large extent yes. It might be useful for a little bit of background. The news release that Senator Stevens just read from is accurate and it referred to concern on the part of our Government from two standpoints, the very alarming potential situation coming up in Bristol Bay salmon and the one relating to halibut. When we left Tokyo at the end of last year, we were very disappointed with the lack of responsible responsive action by the Japanese Government on both of those matters. Subsequently, we met with the Japanese on the halibut matter and they did capitulate. They came back with counter proposals which were acceptable to us and did provide in the eastern Bering Sea the protection we felt was very helpful from the standpoint of halibut. However, to this very day, we are not satisfied with the response on Bristol Bay salmon, and the release that Senator Magnuson read from that came out in March related to salmon and not halibut. We still are extremely alarmed about the salmon situation. They have not come back with what we consider to be an acceptable solution to that problem, and we are very, very troubled. But we are still working on that part.

Senator STEVENS. With regard to halibut did they or did they not meet the demands you made in Tokyo?

Mr. SCHONING. They did not meet them specifically, but they compromised very substantially from what their position was in Tokyo and reached a solution that we felt was acceptable under those conditions. It represented a very substantial reduction in their incidental take of halibut this year, and next year as well, in the eastern Bering Sea.

Senator STEVENS. That's good news.

Mr. SCHONING. Thank you, Mr. Chairman.

Mr. POLLOCK. May I proceed, Mr. Chairman?

The CHAIRMAN. Yes, go right ahead. We want to get through here.

Mr. POLLOCK. I would like to return to the subject of the highly migratory pelagic or oceanic species. I want to address the subject of the tunas and billfishes because here we have another serious problem in my view if the 200-mile legislation is passed by the Congress. Highly migratory species must be managed by regional international commissions if the species are to be conserved and rationally managed. Individual coastal nations simply cannot be allowed to unilaterally assert jurisdiction over these species to the detriment of other nations when the migrations take these fish through the zone of the particular coastal nation. We are trying to negotiate this special regional international arrangement for tunas and other pelagic species. Unilateral declaration of a 200-mile zone by the United States would, in my judgment, preclude the possibility of special treatment for tuna, for other nations may feel free to declare a 200-mile exclusive fishing zone if the United States chooses to do so in disregard of the attempts of nations to reach multilateral accommodation within the framework of the Law of the Sea Conference.

The CHAIRMAN. Does anybody fish for tuna within 200 miles of the coast of the United States? Any other nation?

Mr. POLLOCK. We are concerned about our tuna fishermen fishing within 200 miles of other nations.

The CHAIRMAN. They do not, do they?

Mr. POLLOCK. A few foreign boats fish for albacore within 200 miles of our west coast.

The CHAIRMAN. Tuna is an offshore fishery, way out?

Mr. POLLOCK. They may be way out or not. They migrate a great deal.

The CHAIRMAN. So the 200-mile limit has nothing to do with tuna as a practical matter?

Mr. POLLOCK. Yes, indeed, it does.

The CHAIRMAN. As a practical matter of fishing? They are not fishing tuna within 200 miles.

Mr. POLLOCK. Mr. Chairman, they are fishing tuna within 200 miles off of other shores.

The CHAIRMAN. I said off the United States.

Mr. POLLOCK. That is correct. Our tuna fishery is a distant-water—

The CHAIRMAN. There is no other nation fishing off the United States if we have a 200- or a 300-mile zone or a 100-mile zone, isn't that correct?

Mr. POLLOCK. The albacore fishery off southern California would be involved.

The CHAIRMAN. Well, that is not—

Mr. POLLOCK. The important point is not that area, Mr. Chairman.

The CHAIRMAN. I am trying to get this down to the United States. I don't want the other tuna. Tuna is disappearing in the Pacific just like it is disappearing in the Atlantic. But I am talking about the United States. These nations that you have so much consideration for, they are not hurt by 200 miles at all. They are not fishing within 200 miles except the ones up on the north coast and off the New England coast—tuna or shrimp. These are the people that are most opposed. I don't blame them for trying to protect their own industries.

Mr. POLLOCK. Mr. Chairman, I am not concerned in my statement at all about the other nations. I am concerned about a U.S. distant-water fishery, our tuna fishery, and if we unilaterally extend our 200-mile zone, they are going to be very adversely affected. That is the point I'm trying to make.

The CHAIRMAN. That is your opinion. It isn't mine.

Mr. POLLOCK. It is not your opinion?

The CHAIRMAN. No. I think it would help you to get some agreement, after all this time. I have been to a lot of these conferences, and that is one thing they may understand. The big argument here is sensitivity, so, you shouldn't do this because of this or that. Sometimes, that is the only thing they understand. How many countries now have a limit to 150 or 200? Do you know how many?

Mr. MOORE. 12.

The CHAIRMAN. Did I read in the paper that all of those countries on the belly of Africa adopted it, some 10 or 12 more?

Mr. MOORE. No.

The CHAIRMAN. How many African countries?

Mr. MOORE. One African country.

The CHAIRMAN. They had a meeting last week, a big piece in the paper about 10 of them met and they are going to adopt a limit. That is what the meeting was about.

Mr. MOORE. I think that may relate to the position in the Law of the Sea Conference.

The CHAIRMAN. I don't know. There was just a meeting in that are.

Mr. POLLOCK. I would like to make one more point concerning the tuna that is a point of concern to me. Today we provide financial reimbursement to our U.S. tuna fishermen under the Fishermen's Protection Act if they are seized in offshore waters. Foreign nations can unilaterally declare 200-mile fishing zones which we don't recognize.

The CHAIRMAN. Wait a minute. I want to read this. This is a dispatch from Nairobi, Kenya:

A 200-mile territorial sea was agreed upon by 77 developing nations at the end of a 10-day conference held here from March to April 5. The agreement was

announced as a declaration of Nauru, and it is expected to have a tremendous influence on the Law of the Sea Conference scheduled in June in Caracas. It should be noted that 77 nations declared a territorial sea of 200 miles. This is in contrast to the current 200-mile limit bill in the U.S. Congress which calls for a 3-mile territorial limit and a 197 miles fisheries jurisdiction. A nation exerts total control over his territorial seas, including air, fishing activity, etc., etc.

Didn't you know about that down at the State Department?

Mr. MOORE. Senator, if I could respond, I am sorry to say that the newspaper—I am happy to say actually that the newspaper report is erroneous in terms of the reporting of the Nairobi meeting and the outcome of that meeting is that many of the countries there, there was no agreement reached, but many of the countries there strongly supported the exclusive economic zone concept including fisheries jurisdiction out to 200 miles.

The CHAIRMAN. Anyway, they met and they discussed this matter. I agree with you there was no conclusion but here it says they agreed upon it. They are talking about it.

Mr. MOORE. I think it is also important to point that that is a position in the Law of the Sea negotiations rather than any unilateral action.

The CHAIRMAN. Here comes Mr. McKerman the weary traveler. Go ahead.

Mr. POLLOCK. May I just hit two points, and if I may have the permission of the chairman, I would like to submit the balance of my statement for the record and I will not take the time of the committee.

I would like to talk about two things that I think you may want to respond to.

First, before I get off the subject of tuna, I want to again emphasize that we provide financial reimbursement to our U.S. tuna fishermen under the Fishermen's Protective Act, if they are seized in offshore waters of foreign nations in unilaterally declared 200 miles fishing zones which we do not recognize.

I would perceive that passage of the 200-mile legislation which you are now considering is a de facto repeal of that act, leaving our tuna fishermen vulnerable to the whims of the foreign coastal nations.

More to the point, it would be tantamount in my view to U.S. recognition of the unilateral 200-mile declaration of these other nations of the world. For all practical purposes, it would preclude the possibility of any U.S. tuna fishermen fishing in those zones as a matter of right where they now take about 68 percent of their tuna catch.

The CHAIRMAN. Within the 200 miles?

Mr. POLLOCK. Yes, sir.

The CHAIRMAN. Off the South American coast?

Mr. POLLOCK. The west coast of South America.

The CHAIRMAN. They get 69 percent?

Mr. POLLOCK. 68 percent.

The CHAIRMAN. With an agreement? They must have an agreement or they would haul them in.

Mr. POLLOCK. No, sir; they are arresting our people and under the Fishermen's Protective Act that was passed by you and your distinguished Members in Congress, we protect them. We pay their fines.

The CHAIRMAN. You know how to make an agreement down in Peru and those places to fish tuna within the 200-mile limit. That's easy.

It will be a unilateral agreement with some individual and that's taken care of. Ecuador, Peru, you name them.

Mr. POLLOCK. I just want to make one other point, Mr. Chairman. I have included in my statement a number of aspects of enforcement, but I do want to make one mention of the enforcement problem. I think it is an important issue that should be raised.

It would seem likely to me that enforcement of a unilateral extension of fishery jurisdiction would require more extensive powers and more costly apparatus than would enforcement of an international arrangement such as might result from the Law of the Sea agreement.

Other countries are understandably uneasy when one state unilaterally extends its jurisdiction, and they might not recognize or abide by our claim. Distant water fishing nations will be more inclined to accept broad coastal state regulatory authority if coastal state enforcement powers are given by reason of international agreement and are subject to some international safeguards.

I should also point out that any increased enforcement responsibilities, whether resulting from the passage of this bill or the Law of the Sea negotiations, cannot be quickly met. The budget and the appropriation processes are slow indeed, and even if funds are available, it will take some considerable time to provide any necessary additional ships or logistical support or manpower.

If I might with that, Mr. Chairman, submit the balance of my statement for the record, I think that there are important points to touch, but I hate to presume on time of the committee.

The CHAIRMAN. I was talking to the mayor of San Francisco. You think we have problems, you ought to have his.

The enforcement argument has been brought up here. We understand that. Enforcement—I don't buy that argument at all, because I think a limit of 100 or 150 or 200 can be enforced just as well as 12. It might require more Coast Guard, it may require more personnel, but it can be enforced.

I don't buy that enforcement argument at all. Once you haul a ship in that violates these limits, it has an affect on the others. Nevertheless, I can't understand how people can assume you can't enforce a law.

Mr. POLLOCK. I am not saying that at all Mr. Chairman.

The CHAIRMAN. If it becomes a law.

Mr. POLLOCK. My point was simply you can't build ships overnight. You can't provide the logistical support overnight. It just takes time to do this.

The CHAIRMAN. We can get some Coast Guard ships right away if this bill should pass. We can pick up a few that are over in South Vietnam that we never got back.



I don't see any problem with enforcement. It is going to be more difficult, I understand that. It is going to require more people and more ships. For Congress not to pass a law because they say it can't be enforced, I would think we would surely not be carrying out any responsibility up here at all.

Mr. POLLOCK. Mr. Chairman, I would simply like to close by emphasizing that it is the considered opinion of the National Marine Fisheries Service, the National Oceanic and Atmospheric Administration, the Department of Commerce, and, indeed, the executive branch of the Federal Government that passage of the 200-mile legislation would be harmful to the negotiating posture of the United States on fisheries as well as with reference to the other U.S. objectives to which Secretary Rush referred.

Further, as we have indicated, it seems to us more unwise to try to gain immediate benefits for the coastal fisheries, to the detriment of the other major segments of the U.S. fishing industry. I am talking about the tuna, the salmon, the shrimp and the langosta fisheries.

In our view, it is imperative that we maintain a unified fisheries position in the Law of the Sea forum in order to best serve the interests of the entire U.S. fishing community.

The CHAIRMAN. I think you sum up the whole matter, when you say you think the passage of the bill would be harmful to the negotiating posture of the United States.

Mr. POLLOCK. Yes, I do, Mr. Chairman.

The CHAIRMAN. I don't think it will be. I think it will be helpful. That is the big argument. That is all it gets down to here.

Mr. POLLOCK. Yes, sir. I might say for the last 3½ years, I have been working on the U.N. Seabeds Committee, as you know.

The CHAIRMAN. Are you satisfied with the progress we have been making?

Mr. POLLOCK. Mr. Chairman, we have not begun the negotiating phase of the conference, and we won't do that until this summer.

The CHAIRMAN. They were up in New York for how long?

Mr. POLLOCK. Two weeks for organizational purposes.

The CHAIRMAN. Two what?

Mr. POLLOCK. Two weeks for organizational purposes. We have had 6 meetings of the Seabeds Committee in the last 3½ years, Mr. Chairman, but these were preparatory.

The CHAIRMAN. You were at it for 2 years in New York?

Mr. POLLOCK. No, sir.

The conference started in December of last year.

Senator STEVENS. Three and a half years.

The CHAIRMAN. Three and a half years, the Senator from Alaska says.

Mr. POLLOCK. The U.N. Seabeds Committee has been preparing for the conference that is going to take place this summer in Caracas.

The CHAIRMAN. How long do you have to prepare? That is like a coach of a football team saying we are not prepared for the big game and the season is all over. This has gone on and on. I was at Geneva when this started. This is why I can't buy the argument—I know some lawyers may say we would be violating international law, because in Geneva, we took a limit from 3 to 12.

No one suggested that violated the law. Supposing we had made it 20. Would that violate the law? What is the mileage? The mileage hasn't anything to do with it. As I remember the margin was by one vote.

Mr. McKERNAN. We lost by one vote.

The CHAIRMAN. And finally got the 12 miles. Legally, I can't understand why if it is 10, 12, 15, 20 or 30 that it violates international law.

We have contended, I agree with you, we have contended to the other nations that if they do this they are violating international law. We have done it. All the times down there that these ships are picked up—I passed a bill to pay them. I don't know how much we are paying them now for the fines. These are the bones of contention. I agree with all of you, the objectives are the same.

I don't know how long we are going to have to wait. In the meantime, all the evidence we get from the people, out in the field, tells us the stocks we seek to protect are going down, down, down.

The Senator from Alaska tells me there are only about two halibut vessels going out there in the Bering Sea, two.

Mr. POLLOCK. I think the facts are different. I think you have some information that is not correct.

The CHAIRMAN. Our coastal fisheries are going down, down, down. I was in Oregon the other day and the ocean perch fishermen are gone. Foreign fleets have fished them out.

Senator STEVENS. That was the testimony we got in Alaska and Bellingham, that only two vessels of the Bering Sea halibut fleet would go out this year.

Mr. POLLOCK. If you are restricting it only to the Bering Sea, there were in 1973 as I recall 7 vessels: 5 American, 2 Canadian.

Senator STEVENS. Five American went out this season? There were 28 there just 6 years ago.

Mr. POLLOCK. According to our information, there were a total of 28 North American halibut vessels which operated 6 years ago, in 1968, in the Bering Sea. Of these 28 vessels, 11 were U.S. vessels.

The CHAIRMAN. There were 28. Two or five doesn't make much difference.

Mr. POLLOCK. There are many other American and Canadian halibut fishermen who operate in the Northeast Pacific area south of the Aleutian Islands, but if you are just talking about the Bering Sea, it was a very small number.

The CHAIRMAN. Sardines have disappeared off the west coast. I don't know how long we are going to have to wait.

If I thought in Caracas that you would get something done, you wouldn't hear much from me, but no one will make me a wager.

Mr. RUSH. Mr. Chairman, why don't you give us a chance in Caracas?

The CHAIRMAN. All your effort has been in preparing. The only thing they resolved in New York after all this study was advisory commissions. It is a good thing you didn't have me there, I might have disrupted the convention.

Senator STEVENS. You say give us time for Caracas, Mr. Secretary. Do you feel that Caracas will wind up the Law of the Sea Conference?

Mr. POLLOCK. No.

Senator STEVENS. How many more do you anticipate?

Mr. POLLOCK. I think we will make progress on the Law of the Sea Conference. It is such a complex issue.

Senator STEVENS. That is not what I mean. How many more conferences are we going to have before we get down to voting?

Mr. POLLOCK. That, of course, I cannot say.

Senator STEVENS. I don't think so, either.

The CHAIRMAN. They are going to Vienna after that.

Mr. RUSH. If a second session is required, it will be in Vienna in 1975.

Senator STEVENS. I understand that the foreign fisheries are about ready to start heavy pressure on the hearing in the North Pacific and the Bering Sea. Is that correct?

Mr. POLLOCK. Let me turn to my expert again.

Senator STEVENS. Is the herring fisheries starting up with the foreign fleets this year? If that is so, is the North Pacific herring going the same way as the California herring? What happens to our salmon stock if the herring is gone? We all know that is the feedstock for the salmon. How long do we have to wait. Do we have to wait until our halibut is literally destroyed before they make a move, and I notice it is a domestic move that they have come part way to meet us. The menhaden is gone. The hake is gone.

I mean, really, I just wonder how long it takes before we get some backbone. Little Iceland, they had a cod war and they won. They won in 1957. They started the 12 miles. Everyone condemned them. We all went over in 1958 and signed an agreement and made it 12 miles. They extended it to 50 miles, put up their backbone, and in effect in a negotiation defeated Great Britain. We are losing off our shore fisheries, species after species, and we are getting to the point where we can not survive.

Do we have to get down to the point where we must prove we have a species destroyed before they will move and meet us part way?

I just wonder when we are going to get some backbone in the government. It is not a political thing as you know. I think 25 years ago, I came to Washington for the first time, and I met your predecessor, Mr. Ambassador, and heard the problems about the tuna fleet. We had to wait until the tuna fleet was practically destroyed before they got the Fishermen's Protective Act, and all that did was to pay their fines.

I just don't know. I spoke to Professor Moore about this. The tuna people come to us and say, don't do this, because the fears expressed by Mr. Pollock are their fears. They suggest we proceed under this section 7 of the 1958 agreement and that you give notice to the Japanese and the Russians, you are going to proceed unilaterally in 6 months unless there is something done.

My answer to them is fine, if you all will do it, as I told the chairman, if you will take a motion, start that process through, then we might be in a different position. But I don't know how you can expect the Congress of the United States to see the complete depletion of our fisheries in exchange for giving you a bargaining position, and that is my feeling about it.

I really think you are asking us to do the impossible, and not just the politically impossible. You are asking us to do the impossible, just to sit back and wait for species after species to disappear from the oceans of this country, in order that we might get an agreement some time in the future.

Mr. RUSH. Senator Stevens, I would certainly agree with you that we don't want to wait until our fisheries are gone.

As I said, we now have spent years in preparation for a very important Law of the Sea Conference involving many vital issues, among the most vital of which is fisheries. We have made great progress. I think in the fisheries field particularly, we are very optimistic. We hope that the conference will end with a treaty by 1975, and to take action that would destroy the chance of all the major countries of the world coming together on this issue I think would not be wise.

I would like Mr. McKernan to speak to this.

Mr. McKERNAN. Mr. Chairman, I have listened with growing interest to the discussion, and it seems to me that the record is not correct in several places.

In the first place, the menhaden depletion—

The CHAIRMAN. What record?

Mr. McKERNAN. This record.

The CHAIRMAN. This record?

Mr. McKERNAN. Yes.

The CHAIRMAN. Then it is your witnesses that are making it incorrect.

Mr. McKERNAN. No; I am talking about Senator Stevens' statement, Mr. Chairman.

The depletion of menhaden on the Atlantic coast of the United States was by American fishermen. To the best of our knowledge, foreign fishermen have not fished menhaden. The decline of Bristol Bay salmon this year—and last year—quite clearly has not been caused by foreign fishing. It has been caused by very unusual natural conditions.

The statement that the U.S. Government has not had enough backbone is something that I simply don't agree with. I think that we have more concessions on the high seas by foreign fishermen off our coasts than any other nation in the world. I think that we have attempted and—

The CHAIRMAN. That is the darndest argument I have ever heard. Sure, we have, because they are all fishing off our coasts.

Mr. McKERNAN. That is not quite so.

The CHAIRMAN. That is no argument at all. If we were fishing off the coast of Japan like they are fishing off our coast, how long would it take them to act?

Mr. McKERNAN. There are Soviets fishing off the coast of Japan.

The CHAIRMAN. Because they have an agreement with them; they have to work with them because of the salmon.

Mr. McKERNAN. Some of our fishermen, some of our northwest fishermen have talked about fishing in the Okhotsk Sea and have been encouraged. But it seems to me that the agreement that we reached with Japan on halibut is a good example of protection that has been afforded American fisherman just recently.

The agreement that we reached with 16 nations in the Northwest Atlantic is another example of protection during this interim period.

Now, it seems to me we ought to at least give that a chance to work.

Senator STEVENS. We didn't get an agreement on halibut. We got an announcement here which I saw for the first time today that the Government of Japan as a domestic issue is prohibiting certain operations. These people came back without getting an agreement.

You were there; I wasn't there. I put in the record the press release that you issued when you came back so the country would know the problem we are having. This hasn't been announced to my knowledge. This hasn't been announced as an agreement. This is an awareness of an action taken by the Japanese, and it remains to be seen whether it is enforced.

There were 40 canneries in the Bristol Bay area. There were 40,000 people engaged in harvesting the salmon of the Bristol Bay operation. Today there are two canneries that operate and there are less than 1,000 people employed.

Mr. McKERNAN. Mr. Chairman, if we might, let's just take Bristol Bay. The low point in Bristol Bay salmon runs occurred in the 1940's and early 1950's. Since 1950, the runs in Bristol Bay have gradually increased until 1970.

Now, those runs were increasing in spite of a high seas fishery by Japan on Bristol Bay runs. For example, the largest take of salmon in recent history occurred in 1970. After that time, we had a disastrous natural loss of the young downstream migrating smolts in Bristol Bay.

The CHAIRMAN. I understand this problem, but we are talking about the Japanese catch any year, a good year or a bad year; it doesn't help us.

Mr. McKERNAN. But let's not blame foreign fishing for all of our problems. We have a lot of problems that are caused by some of our own inadequacies.

The CHAIRMAN. But why not eliminate one problem?

Mr. McKERNAN. I am in favor of it, but let's eliminate it effectively.

The CHAIRMAN. Now we are going to get to the same argument about whether this would be effective. I think it would be an effective tool to arrive at an agreement.

Mr. McKERNAN. It would be effective for halibut, but it would be damaging to salmon.

Senator STEVENS. Let me read what came out of the meeting. This is the release I put in the record.

Talking about Mr. Schoning, he blamed adverse climatic conditions in recent winters for the 1973 "lowest return ever reported of sockeye salmon to Bristol Bay," but added that the small runs of salmon had been predicted at the 1974 INPFC meeting and that the Japanese were aware of the need for cooperative conservation measures.

At that time Japan indicated it would operate its highseas fishery with due concern for the Bristol Bay runs. Scientific information revealed that the recent Tokyo meeting clearly demonstrates, how-

ever, that Japan increased rather than decreased its fishing effort in 1973 in the key areas where the Bristol Bay sockeye salmon are vulnerable to capture.

At a time we are telling even the Eskimos that they can't fish for subsistence purposes for Bristol Bay salmon, the Japanese are increasing their high-seas fishing effort.

I don't think you can say that things in this record are incorrect. Is it incorrect that more fur seals are floating ashore dying of malnutrition than ever before?

Mr. McKERNAN. I am not aware that the fur seals are dying of malnutrition.

The CHAIRMAN. It is from your release.

Mr. POLLOCK. Most of them are pups, probably 98 percent of them, and this is not unusual. Pups do die, and the heavier the population gets, the more of them die. About one-third of them die from malnutrition, about one-third of them die from hookworm disease.

[The following information was subsequently received for the record:]

#### PRIBILOF ISLAND FUR SEAL PUP MORTALITIES

The National Marine Fisheries Service has monitored fur seal pup mortality on the Pribilof Islands since 1964. The counts for the 10-year period, 1964-1973 indicate no increasing trend but do show peaks of mortality every 3 years, as follows:

1964	25,042
1965	46,308
1966	27,392
1967	17,426
1968	31,438
1969	15,550
1970	25,040
1971	54,242
1972	26,389
1973 (partial count)	13,197

Analysis of mortality data indicates that the primary causes of death are hookworm disease and apparent malnutrition, together accounting for over 73.5% of deaths in 1971. Other causes are microbial infection, trauma, and a combination of symptoms called multiple hemorrhage-perinatal complex involving damage to internal organs and extensive hemorrhaging. There is significant year-to-year variations in the incidence of causes of death, particularly for hookworm and apparent malnutrition. Comparison of autopsy data shows a steady increase in hookworm diagnosed death in the sample areas for the 5-year period 1967-71.

The periodic increase of what has been categorized as apparent malnutrition is the major cause of the 3-year cyclical pattern indicated above. The term "apparent malnutrition" was applied in those cases where the dead pup showed an emaciated appearance and a lack of specific symptoms of other causes.

In 1972 and 1973, emphasis was placed on microbiological investigations of infectious disease agents. A virus disease (Vesicular Exanthema of Swine Virus) has now been implicated in some cases of death which had been previously diagnosed as apparent malnutrition, the primary cause of the 3-year fluctuations in mortality. Future work will explore the possibility of this virus or possibly some other disease agent being responsible for a significant share of this category of death causes. Additionally, a bacterial disease, leptospirosis, has been implicated as the cause of the multiple hemorrhage-perinatal complex condition.

In summary, pup mortality has occurred regularly since monitoring began, with no generally increasing trend. The pups are still nursing in their first summer and not feeding on hard food such as fish. Pup nutrition and the availability of food to nursing females are being investigated. Causes of pup mortality are still being determined and may include a larger percentage of bacterial and virus caused deaths than heretofore considered.

The CHAIRMAN. If only one died from malnutrition, that is enough to do something about it.

Senator STEVENS. Malnutrition is lack of feedstocks. Who's taking them? We are not taking them.

Mr. McKERNAN. It might mean there are too many seals in the limited space. There are other things to consider.

Senator STEVENS. It is a frustrating thing in a State like mine.

The CHAIRMAN. I don't know why we have to sit back and just delay, delay, and get nothing.

Mr. RUSH. Mr. Chairman, may I raise another question—

The CHAIRMAN. Let me ask the Secretary a couple of questions. You say that countries in ICNAF, made substantial concessions. What do you mean by substantial? Do you want to put those in the record, what you think are substantial?

Mr. RUSH. Yes. We will be pleased to.

[The following information was subsequently received for the record:]

The International Convention for the Northwest Atlantic Fisheries was formulated in 1949 for the investigation, protection, and conservation of the fisheries of the Northwest Atlantic Ocean. It gave the Commission created by it limited authority and that Commission undertook regulation of the fisheries during the 1950's in a low key manner, which was adequate for the problems facing it at that time. However, that situation has changed dramatically and numerous changes [that] have been made in ICNAF, largely at the initiative of the United States.

Under the original ICNAF Convention each member nation was responsible for enforcing the conservation regulations with regard to its own fishermen. Under an amendment initiated in 1963 and effective in 1969, the Commission was empowered to establish international enforcement measures. In 1971 a system of joint enforcement was begun under which inspectors of any ICNAF nation may board the fishing vessels of any other fishing nation on the high seas and check [for] compliance [with] the ICNAF regulations. This system was improved in 1973 and additional improvements proposed by the United States and Canada are expected to be adopted this year. The Commission also adopted in 1973 an extension of the scheme to cover the area off the United States south from Long Island to Cape Hatteras. Participation by the sixteen, soon to be seventeen, ICNAF member nations, which include the most advanced fishery nations, is indicative of the major advances we are undergoing in international fisheries management.

Under the procedures of the original Convention it often took many years to bring ICNAF regulations into force. An amendment proposed by the United States in 1964 and effective in 1969 now permits conservation regulations to enter into force from six to nine months after adoption in the absence of a positive objection. While that time period was more than adequate when the United States proposal was adopted, it too has proven inadequate in the face of the rapid increase in fisheries in recent years. The United States has initiated action to further amend the Convention to permit the adoption of necessary conservation regulations on a more expeditious basis.

In 1969 the United States initiated an amendment to the Convention to deal with the kinds of regulations that may be adopted. The original Convention had severely limited the Commission in the measures it could institute. Under this amendment the Commission may institute any appropriate measures necessary to achieve the optimum utilization of the stocks of fish. It may also take into account economic and technical considerations in adopting these measures as well as the scientific consideration which forms the base for all fisheries management. Under the authority of this amendment the Commission has instituted a nationally allocated quota system for most of the stocks of fish in the Northwest Atlantic. It has also adopted a highly innovative two-tier quota system for the area off the United States coast which institutes a nationally allocated total catch quota above and beyond the individual species catch

quotas, thus regulating for the first time the entire biomass. This total catch quota is lower than the sum of the individual species quotas and thus places an additional restriction on fishing activity. Under this regulation foreign fishing will be reduced off the U.S. east coast by more than 20% in 1974, as much as 30% for some large fleets. Further reductions are also required in 1975 and 1976. The U.S. fisheries are rebuilding during this same period. During the last year ICNAF has also instituted quotas for various stocks of fish to preclude the type of overfishing that has adversely affected so many of the stocks in the past even though there was no evidence of current overfishing and even though in many cases an adequate scientific base was lacking. The adoption of these preemptive quotas is indicative of a new principle that action must be taken to prevent overfishing before the damage is done. In adopting these measures ICNAF has also acknowledged the special interests of the coastal fisheries by increasing quotas for the coastal American and Canadian fishermen even in cases where the overall catch is being reduced.

Under an interpretation of the Convention advanced by the United States, the Commission in 1972 extended ICNAF regulations to cover the area off the Mid-Atlantic coast of the United States from Long Island to Cape Hatteras. Prior to that time the Commission had [been] restricted its actions to the geographical area defined in the Convention. Under this interpretation the Commission [can] regulate stocks which support international fisheries in the Convention area during their entire migratory range both inside and outside the Convention area. This helps preclude over-exploitation of regulated stocks if they should move across the ICNAF Convention line during the course of the year into areas where heretofore the Commission had not promulgated regulations and the stocks were open to unlimited exploitation.

During the 1950's and 1960's ICNAF regulations consisted almost entirely of minimum mesh size restrictions. The totality of the ICNAF system now includes other gear restrictions, minimum fish sizes, closed areas, and closed seasons, as well as the quota regulations and the enforcement scheme. ICNAF now has a complete system of fishery regulations of a direction, scope and nature that would have been unthought of less than a decade ago. Although the ICNAF fisheries have gone through very difficult times, that situation has now been brought under control and holds every promise for the future of protecting the rights and interests of the American coastal fisherman.

The CHAIRMAN. Have you any agreement with Poland?

Mr. McKERNAN. Yes; we do have agreements with Poland.

The CHAIRMAN. What about the Pacific coast?

Mr. McKERNAN. To the best of my knowledge there are no Polish vessels there this year. They have wanted to reach agreement with us on the Pacific coast, and we have not agreed to this.

The CHAIRMAN. We have no agreement as of now with Poland?

Mr. McKERNAN. That is right.

Senator STEVENS. That means they can do what they want beyond the 12 miles?

Mr. McKERNAN. I think both Canada and ourselves are quite hopeful that they won't even show up.

The CHAIRMAN. But this is the problem, everybody is hopeful and nothing happens. They can do what they want off there now.

Mr. McKERNAN. Right at the present time the Polish fishery in the Pacific coast is a nonproblem. They are not there.

The CHAIRMAN. We don't want to fish off Poland, so we have got nothing to bargain with. Just tell them to keep off our shores.

Senator STEVENS. You mentioned a problem about the depletion of runs in the east coast by our own fishermen. What jurisdiction do we have to go out beyond the 12-mile limits?

Mr. McKERNAN. Almost all the menhaden are taken within the territorial sea, in fact, within 3 miles. The great bulk of menhaden in the Atlantic coast are taken within Chesapeake Bay.



Senator STEVENS. As a practical matter, when our people go out beyond the 12-mile limit and fish and sell their fish to a foreign fish tender, we don't have any real jurisdiction over them either, do we?

Mr. McKEINAN. For the most part that doesn't occur, but the States can regulate their own citizens so long as it is not contrary to Federal law.

Senator STEVENS. But Alaska couldn't regulate the people from the State of Washington?

Mr. McKEINAN. That is correct.

Senator STEVENS. And the State of Washington people could not regulate people fishing in the North Bering Sea?

Mr. McKEINAN. Alaska has been regulating by landing laws. This is in court at the present time, as I am sure the Senator knows, in Alaska.

The CHAIRMAN. Now, we talked a little before about the international law aspect. The Chairman really wants to state again that there are better mechanisms than multilateral agreements for establishing rules of international law.

For example, the rule of custom. The unilateral extension of 200 miles by a majority of nations would make 200 miles a rule of international law. I don't see that S. 1988 is a violation. We don't want to get into a legal argument.

Mr. RUSH. The Convention on the Territorial Sea and the Contiguous Zone to which we are a party, along with Japan, Russia and many other countries—40, I think—provides that in the zone of the high seas contiguous to the territorial sea the coastal state can exercise control for certain purposes 12 miles beyond the base line from which the breadth of the territorial sea is measured.

Then, in article 2 of the Convention on the High Seas, it is provided—and under present international law this means everything beyond 12 miles with respect to the freedom of fishing—that the high seas are open to all nations . . . and subject to no one's sovereignty. And then the various things are enumerated which are guaranteed, and which are to be exercised under conditions laid down in the articles and by other rules of international law. One of them is freedom of fishing, freedom of navigation, and so forth.

So, we are a party to two conventions, clearly providing that freedom of fishing must exist beyond the 12-mile zone.

The USSR and Japan are also parties to those conventions.

We also have various bilateral agreements, including those with Japan and the USSR, which cover fishing on the high seas off our coast. International law, of course, permits countries to enter into agreements which affect their high seas freedoms such as the freedom of fishing.

Senator STEVENS. What about the 1958 Convention; we are a party to that, too, and that authorizes you to take unilateral action within 6 months after negotiations ended. We have been negotiating for 3¼ years.

The tuna people come in and say, "Ask the Government to take action under the 1958 agreement and we won't object."

All fishing organizations of the country said last week, "Take action under the 1958 Convention and we won't object."

It so happens that Russia and Japan are not parties to that. But we are parties. In international law we would be justified in taking action.

Mr. McKERNAN. If I could comment just a little bit.

One problem with that is we can take nondiscriminatory action, that is, action that must be equal against our people and all other fishermen. Secondly, of course, implementing legislation is in Congress at the present time—it hasn't passed—which would permit us to implement the 1958 Convention. It is called the High Seas Fisheries Conservation Act. The Department of Commerce has had it in Congress for some time.

Dr. WHITE. If I may, I would like to comment on that.

In Mr. Pollock's testimony, which he submitted for the record, he pointed out that a very important action that could be taken which could afford some protection, even in the interim, is the passage of the High Seas Fisheries Conservation Act, which was submitted by the President and is now before the Congress. That act would provide the necessary authority to manage and regulate fisheries in the contiguous zone where no Federal authority now exists, and it would provide the authority necessary to regulate U.S. fishermen beyond the 12-mile zone.

Senator STEVENS. U.S. fishermen?

Dr. WHITE. That is correct, sir.

The CHAIRMAN. But we are talking about the foreigners. We regulate our fisheries pretty well. We will take a look at that. I think you have to have more authority under that bill.

Mr. BRITTIN. The bill would also permit the execution of article VII of the Fisheries Convention of 1958. Therefore, it would be applicable to foreign fishermen for purposes of conservation.

The CHAIRMAN. Send up some suggestions on that and some authority. We are not talking about American fishermen.

Dr. WHITE. The bill providing for that, Mr. Chairman, is now before the Congress.

Senator STEVENS. You don't believe that you could give notice under that treaty, it is not a self-executing treaty, you couldn't give notice under the 1958 treaty and proceed on the basis of 6 months?

Mr. RUSH. No; we believe we cannot fully implement this treaty without legislation.

Senator STEVENS. I don't read that treaty as being something that requires legislation to implement it.

Mr. RUSH. The 1958 treaty, as you know, relates to conservation measures. Those measures must be nondiscriminatory, as Mr. McKernan said.

Senator STEVENS. I understand that, but beyond the 12-miles limit in the international zone that exists today, you have that authority to be self-executing beyond 12 miles today. I would ask you to check with your legal people. I think you have got the power beyond the 12 miles today to take action and have had it for some time.

Mr. RUSH. The foreign fishermen do not recognize that, Senator Stevens, so we would come into a conflict with them. The Soviets and Japanese do not, so we could have another Iceland situation.

Senator STEVENS. It would be a cod war.

Mr. RUSH. Exactly, with the Soviets and the Japanese.

The CHAIRMAN. Isn't this the point we have been making? Here we have an agreement that doesn't work.

Mr. RUSH. The 1958 convention relates to conservation and does not relate to fishing rights, discriminatory fishing rights.

Senator STEVENS. We had notice a year ago what the Japanese and the Russians have done with regard to halibut, and we went right up to the edge of this halibut season and didn't give them any notice. We knew they were taking those chicks as they came across the break of the shelf.

I think that is very plainly spelled out in your own documents. We knew it and they continued to do it, and you took no unilateral action. I think you are forcing us into a position where the Congress is going to have to take action.

Mr. RUSH. We have no penalties, and we need implementing legislation in order to provide penalties.

Senator STEVENS. You couldn't impose your penalties on them beyond the 12-mile limit anyway.

Mr. RUSH. We have no general implementing legislation for penalties. So, except in specific cases such as ICNAR where we do have implementing legislation, we cannot apply penalties to our own fishermen, or to foreign fishermen to the extent provided for by international agreement.

Senator STEVENS. I don't think you can impose penalties on them beyond the 12-mile limit anyway unless we pass this bill.

The CHAIRMAN. Isn't it true, Mr. Secretary—I want to be factual—the State Department is willing to accept the 200-mile limit for seabed resources?

Mr. RUSH. As of—

The CHAIRMAN. Have you come to a conclusion? That is what I understand.

Mr. RUSH. As a matter of fact, on fisheries, as you know—

The CHAIRMAN. That is oil, minerals, 200 miles, you are willing to accept that, aren't you?

Well, yes or no?

Mr. RUSH. Yes, we are, provided that the nature of coastal state jurisdiction on the seabed protects our own interests.

Senator STEVENS. Did Truman violate the international law when he announced the Truman doctrine in 1948?

Mr. RUSH. On some coastal fisheries, we want more than 200 miles. We also have some very important distant-water tuna interests that we want to protect.

The CHAIRMAN. Don't you think fish should be protected too?

Mr. RUSH. Absolutely.

The CHAIRMAN. You will fight like the devil for the oil and the seabed resources to protect them. Fish is also a resource.

Mr. RUSH. Yes, sir.

The CHAIRMAN. It is depleted and being depleted. You are looking for new sources. We haven't got any new fish.

Mr. RUSH. I think our objectives are the same. We want to protect our fish and our fishing rights. The question is how can we best do it?

Senator STEVENS. I want to make sure that you understand, we don't doubt your objectives, we just disagree on the means to achieve them. I just don't understand them.

I asked the question about the Truman doctrine. President Truman I think showed real backbone in 1948. I would be interested in how you defend President Truman's unilateral action based on our improvement in technology? We had jurisdiction as far as our technology would permit us to develop the oil and gas resources of the continental shelf. That was certainly in violation of international laws as they were known at that time, weren't they?

Mr. MOORE. I think there are at least two major distinctions between that unilateral extension over the shelf resources in 1945 and the present bill that is pending before the committee.

Senator STEVENS. First in terms of international law it was just as unique?

Mr. MOORE. The first of those is precisely in terms of international law. In 1945 the United States was not party to any treaty which specifically made clear that it would be a violation of the agreement to go beyond the territorial sea for seabed resources. There was simply no international law on the question of who owned the shelf resources at the time.

However, the comparable situation on this bill is, first, it would be a rather clear violation of the 1958 High Seas Convention. It would explicitly violate a series of bilateral fisheries agreements the United States has. There are only 12 states today that recognize any kind of fisheries limit as broad as 200 miles.

The situation is overwhelming from the standpoint of international law. It would be a violation of law to extend it unilaterally.

The second—

Senator STEVENS. Even on a conservation basis? Are you saying that the High Seas Convention prevents us from enforcing good conservation practices beyond 12 miles?

Mr. MOORE. Two points.

First in terms of article VII of the Fishing and Conservation of Living Resources Convention, I think the answer to that is it is not binding on the Soviet Union or Japan at the present time. They do not recognize it. It would be protested very strongly.

Second, I do not feel it would be good conservation practice. I think in the short run it might very substantially interfere with the kinds of agreements we have been able to get and the kinds of agreements and the interim measures that I think we will be able to get in this interim period until the law of the sea agreement comes into force.

I notice that Maurice Strong, the executive director of the United Nations Environmental Program, in a statement he made at Columbia University a few weeks ago, very strongly indicated that he felt that unilateral action by the United States over coastal fishery stocks at this time would not be in the interest of global conservation.

I think the second point I would like to make, if I could, Senator Stevens, on the differentiation with the 1945 action is that it was not taken on the eve of one of the most important multilateral conferences in the history of the world. This probably the most important

multilateral conference that the United States has engaged in since the founding of the United Nations in 1945.

I think both you and Senator Magnuson are absolutely correct that there is only one way in the long run to solve the fisheries problem. There has to be management jurisdiction that is coextensive with the range of the species. That is precisely the position that the United States is taking in the Law of the Sea Conference. The preliminary work which has dragged out too long has now come to an end. We are approaching the first substantive session of that conference which will begin in Caracas, Venezuela. It will be difficult, but I am cautiously optimistic. I think we can get an agreement by 1975, and I think that agreement is almost certain to have a very broad extension of coastal state resource management jurisdiction.

I am completely sympathetic with the concerns of the Committee in trying to effectively deal with this problem. We do have an interim fisheries problem.

We need to try to deal with it effectively between now and the time we can conclude that treaty. But if we take action now that hurts our ability to genuinely solve this problem once and for all, I think it will run counter to our fisheries and our conservation interests.

The CHAIRMAN. Let me ask the \$64 question.

What are you going to do to relieve the problem we have off our coasts? Nothing?

Mr. RUSH. Mr. Chairman, we are trying, as you know, the best we can as I outlined, both in limited multilateral agreements and in bilateral agreements, to improve the situation.

As I mentioned earlier, and also in my statement, we hope that we can get agreement to put the provision in effect before the treaty is ratified. We are pushing as hard as we can on that basis.

The CHAIRMAN. My complaint is you don't get tough enough with them.

Mr. RUSH. I can sympathize with that complaint.

The CHAIRMAN. I think this will help you. At one time down at the State Department they said go ahead with some kind of a bill like this. We can say at the conference, look, we have got to move, look what our Senate will do to us if we don't move. It isn't our fault, it isn't your fault as a delegate.

Mr. RUSH. I think you put your finger on it earlier.

The CHAIRMAN. In the meantime, I don't know what we can do. The pressure is getting greater. These hearings up in New England will be practically unanimous. Senator Pastore is going to hold one in Providence and Senator Kennedy and Senator Cotton are bringing everybody in. We had the same reaction in the Pacific Northwest.

Mr. RUSH. Mr. Chairman, as you said, the main point is the immminence of the Law of the Sea Conference out of which we expect very substantial results, and out of which we hope we will achieve what you desire and more.

The CHAIRMAN. When is it going to start?

Mr. RUSH. The 20th of June.

The CHAIRMAN. How long is it going to go on?

Mr. RUSH. About 10 weeks.

The CHAIRMAN. I want for the record your position on the limits as to other resources of the ocean and fish and an explanation of why fish isn't a resource to be protected, too.

Mr. RUSH. It is, Mr. Chairman. I say we want to extend it beyond 200 miles with regard to coastal and anadromous fish. We also have, as I said earlier, a very deep interest in distant-water fishing for tuna that must be protected.

Senator STEVENS. Let me ask one question of all of you.

You obviously would like to put a cork in our mouths, but beyond that what would you say the Congress could do to assist the U.S. delegation in respect to the Law of the Sea?

Mr. RUSH. Pass the high seas bill, my colleagues all say.

Senator STEVENS. The bill to implement the 1958 treaty?

Mr. RUSH. Yes, sir, and also participate in the delegation at Caracas.

The CHAIRMAN. We can take a look at that. We may want to do something about it. Congress is not going to quit on this bill, I am going to tell you. If Caracas goes by and nothing happens, we are going to have a bill of some kind, not because of Magnuson or Stevens, but there is just enough feeling about not protecting ourselves. Maybe we will pass it before Caracas.

I wouldn't laugh about this. I have known lots of times when Congress has strengthened the arms of our negotiators at treaty meetings.

Senator STEVENS. I wasn't laughing at you, Mr. Chairman. Professor Moore squirmed a little bit when you said that.

The CHAIRMAN. The State Department has come up here with important matters and asked us to express our opinions so they would have a better negotiating position.

Mr. RUSH. That is very true, Mr. Chairman.

The CHAIRMAN. It is just the reverse on this.

Mr. RUSH. Our view is this would hurt us.

The CHAIRMAN. All right, Don, you put your statement in the record. We have discussed this. I think we know what the different arguments are.

Mr. RUSH. Mr. Chairman, I would like to thank you very much.

The CHAIRMAN. In our letter of invitation to the State Department, the staff informs me we included several questions on the bill, and if you have those answers, put them in the record in writing.

Mr. RUSH. We have those, Mr. Chairman.

The CHAIRMAN. Don, did you want to add anything?

Mr. McKERNAN. No, Mr. Chairman.

The CHAIRMAN. I told them before you came in that if you didn't get here, I would read your statement or I would write it out because I know what it is.

Mr. McKERNAN. I am sure you could do a better job than I could.

The CHAIRMAN. No, no; I couldn't do a better job.

I want to say in all fairness, we have tried so hard to arrive at these conclusions, and have waited so long. An example is what is happening down at the State Department, they haven't named the replacement yet. We had no representation at the State Department at one time. There was an economic division. Don was down in Interior as Director of the Bureau of Commercial Fisheries.

We would go to these conferences and sit across the table with a minister of fisheries who could make a decision right at the table, and we were at a complete disadvantage.

We are all trying to do the same thing. We can't wait very long on coastal fisheries, and we can't tie coastal fisheries to offshore fishing which we are working on, and we would be glad to have agreements.

I don't want the record to get out that Japan is going to abrogate a treaty because nobody knows that. They fear it, maybe. We always hear they are going to abrogate a treaty. That is the opening speech in any conference I have been to. That has been going on for years ever since the 10-year period passed in INPFC.

We thank you very much, gentlemen.

We are going to have some more field hearings and then probably some here in Washington.

I think Senator Hollings is going to have some hearings down in the Southeast area, maybe Atlanta or someplace like that.

Mr. RUSH. I want to thank you for opportunity of appearing, Mr. Chairman.

[The questions and answers follow:]

COMMITTEE QUESTIONS TO THE DEPARTMENT OF STATE CONCERNING THE 200 MILE  
LIMIT

*Question.* If an effective Law of the Sea agreement on fisheries limits is not reached this summer in Caracas, what contingency planning has the State Department done to provide needed protection for threatened stocks of fish off our shores prior to an effective agreement?

*Response.* We are hopeful that we will shortly be able to conclude an acceptable Law of the Sea Treaty. If we are not, we will of course have to reassess the situation to see what action is warranted on the part of the Executive Branch. In any event, the United States intends to continue to seek improvement in existing treaties and agreements and to negotiate new ones as necessary to conserve and protect the stocks of fish off the coasts of the United States. Improved regulatory programs will also be sought in the international fisheries commissions. The improvements which have been brought about through this ongoing process make international fisheries management a great deal different from what it was only a few years ago.

*Question.* In hearings before the Senate Foreign Relations Subcommittee on Oceans and Atmosphere on June 19, 1973, the State Department replied to a question similar to #1 above posed by Senator Pell. The answer was: "... we intend to work vigorously toward strengthened conservation measures in both bilateral and multilateral forums." Please specify as to what efforts have been, and are being, undertaken and in what bilateral and multilateral forums. What "conservation measures" are being strengthened and how?

*Response.* As you know, a large number of bilateral and multilateral fisheries agreements have been concluded in the last few years. The bilateral fisheries agreement with the USSR concerning the Atlantic coast was renegotiated in June 1973 and the joint US-USSR Claims Board to handle fisheries damage claims was extended to the Atlantic at that time. The bilateral agreement with Poland was also renegotiated in June. These agreements afforded new or expanded protection for species such as bluefish, lobster, yellowtail flounder, menhaden, scup, hake and river herring in the Northwest Atlantic. A new bilateral agreement was concluded with Romania for this same region in December 1973 which provides even greater protections. In October a Special Meeting of the International Commission for the Northwest Atlantic Fisheries reached agreement on an overall quota system for the fisheries off the Atlantic coast of the US. The quotas, which reduce foreign fisheries by nearly 30% in 1974 and more in 1975 and 1976, are applied to both individual species and to the overall fish catch. This innovative action is a most decisive step in bringing the fisheries problems of the region under full control, while at the same time

recognizing the preferential interests of the coastal fishermen in coastal stocks. A further Special Meeting of ICNAF in January 1974 completed some details of the October agreement and added a series of quotas to stocks off Canada. Some of these quotas were adopted with little known about the status of the stocks or the dangers of overfishing, but were instituted in recognition that action must be taken to prevent overfishing even when the scientific information base is scant or lacking. The June 1973 Annual Meeting of ICNAF instituted certain improvements in the scheme of international enforcement, and further improvements were discussed at the January Special Meeting in preparation for further action at the 1974 Annual Meeting. Other improvements in gear and fish size regulations and closed seasons and areas were agreed at these ICNAF meetings.

In the Pacific we renegotiated bilateral fishery agreements with Japan and the Soviet Union in November 1972 and February 1973 respectively. The modifications of these agreements, which are of two years duration, placed additional limitations on the fishing operations of the two countries off our coasts so as to contribute to the conservation of the resources and enhancement of the capability of US fishermen to exploit them. Also in February 1973 we negotiated a new agreement with the USSR establishing a Fisheries Claims Board to consider claims for damages to vessels or gear in the course of fishing operations.

In November 1972 we signed an agreement with the Republic of Korea providing for cooperation in fisheries and containing a Korean commitment to refrain from fishing salmon and halibut in the northeastern Pacific and Bering Sea east of 175 degrees west longitude for five years (approximately the same obligations as Japan now has under the tripartite North Pacific treaty). At the Annual Meeting of the International North Pacific Fisheries Commission (INPFC) in November 1973 the US delegation made very vigorous efforts to obtain Japanese cooperation in the application of special measures of protection for both halibut in the eastern Bering Sea and salmon of Bristol Bay origin. There has been increasing concern over the decline in abundance of halibut in the Bering Sea and northeastern Pacific. The decline is attributed in large part to the catch of halibut taken by Japanese and Soviet trawlers in the course of fishing for other species. Our efforts, which were strongly supported by Canada, eventually resulted, following the meeting, in Japanese agreement to place restrictions on their trawlers in the eastern Bering Sea during the winter months when the incidental catch of halibut, especially juvenile halibut, in the trawl fishery is high. We are now seeking the cooperation of the Soviet Union in applying measures to their vessels which would reduce their incidental catch of halibut and we expect initial discussions on the problem in early June.

The efforts which we made with respect to the protection of Bristol Bay salmon at the 1973 INPFC Meeting and subsequently have not yet produced a solution (Practically all North American salmon except those from Bristol Bay are completely protected by Japan's commitment to abstain from fishing salmon east of 175 degrees west longitude.)

The Bristol Bay problem is complicated by the fact that Japan has a treaty with the Soviet Union which requires annual negotiation of high seas salmon quotas and other measures and the eastern boundary of the area covered by that treaty is also at 175 degrees west longitude. We understand that the Soviet-Japanese negotiations have concluded or are about to conclude and we expect to have further information on the subject soon.

We have engaged for several years in continuing talks with representatives of Canada regarding the difficult and complex problem presented by the interceptions of fishermen of one country of salmon bound for streams of the other. The aim is to control such interceptions so that each country would be able to receive the major benefits from investments it has made in hatcheries and other projects for enhancement of the salmon stocks. Another meeting is expected to be held in December 1974 on the subject.

*Question.* It has been obvious to many observers that in past fishery negotiations with countries such as Japan and Russia, the State Department has been unwilling to use much leverage in obtaining basic conservation measures where such are needed. What is the Department's policy, philosophy if you will, in regard to fishery negotiations? For example, why hasn't the Department negotiated fisheries in the context of wheat or soybeans and other sources of protein when dealing with Japan and Russia?



Response. Generally speaking the Department believes that fisheries problems are best dealt with in a fisheries context and on their own merits. However, this does not mean simply conservation or who gets to catch the fish. A broad range of fisheries and fisheries-related issues are dealt with in such negotiations, including economic, scientific, technical, legal, social, and political factors. Matters such as fish prices and markets, traditional fishing patterns and tastes, access to ports and the contiguous fisheries zone, concern for the environment and the need for food, and the differing laws of the countries involved, are all dealt with in the various negotiations. To broaden the context to include such things as wheat or soybeans and other sources of protein would greatly complicate the negotiations since this would interject a whole new range of domestic economic and political interests. This is not to say, however, that fisheries negotiations are undertaken in complete isolation. They are influenced by and in turn influence other matters such as trade policy, the balance of payments, the status of relations between the United States and other nations, and other treaty commitments. Factors other than directly fisheries-related ones can be and are used, but very carefully, in the complex web of negotiations and foreign and domestic policy considerations.

*Question.* What plans does the State Department have for further protection of the Bristol Bay salmon run from Japanese high seas fishing?

Response. As indicated in our answer to Question 2 we have been in contact with Japanese authorities on the matter of Bristol Bay salmon fishing. We have as yet no clear information as to what if anything the Japanese will do to provide additional protection for the 1974 Bristol Bay run, but we are continuing to push for a resolution of this problem.

*Question.* What is the definition of traditional or historic fishing rights?

Response. The terms "traditional" or "historic" fishing rights are normally used to refer to a limited right of a foreign nation to fish on the high seas or in areas of fisheries jurisdiction off the coast of a coastal state acquired by a regular, historic pattern of fishing in that area and recognized by the coastal state or an international fisheries organization. In high seas areas this principle has been recognized and applied under some international fisheries conventions, such as The International Convention on The Northwest Atlantic Fisheries, for the purposes of allocation of the resources under regulation.

Another instance in which the concept of "traditional" or "historic" rights comes into play is where an area of high seas freedom of fishing later comes within the coastal state's fisheries jurisdiction, the question of recognition of "historic" or "traditional" rights of distant water fishing states does arise.

An example of this process occurred at the 1958 Conference on Law of the Sea where the United States introduced a proposal calling for a maximum breadth of the territorial sea of six miles, and an additional six mile area, up to a total of twelve miles from the applicable baseline, in which the coastal state would have the same rights in respect of fishing and the exploitation of living resources as it has in its territorial sea. These rights were subject, however, "to the rights of the vessels of any State whose vessels have fished regularly in that portion of the zone having a continuous baseline and located in the same major body of water for the period of five years immediately preceding the signature of this convention, to fish in the outer six miles of that portion of the zone, under obligation to observe there in such conservation regulations as are consistent with the rules of international law," as well as to past or future bilateral or multilateral arrangements entered into by the coastal state. (See 4 Whittman Digest of International Law 93,107). This proposal was not part of the final outcome of the 1958 treaty, which did not include a specific area of fisheries jurisdiction beyond the territorial sea.

However, the principle of traditional fishing rights has been recognized in international treaties and agreements since 1958, along with recognition in international law of a twelve mile fisheries jurisdiction. For example, the European Fisheries Convention of 1964 enabled signatory states to regulate fisheries within a twelve mile zone. Fishing was reserved to the fishermen of the coastal state within the inner six miles subject to a short phase-out period for foreign fishermen who had traditionally fished the three to six mile zone. Within the outer six miles, fishing was reserved to fishermen of the coastal state and of those states which had habitually fished in the area between January 1, 1953 and December 1962. Such foreign fishermen were to be restricted to stocks and grounds which they had already fished and were subject to regulation and policing by the coastal state.

With respect to the US, Public Law 89-658 which established our contiguous fisheries zone in 1966 indicates that our rights will be exercised subject to continuation of traditional fishing by foreign states as may be recognized by the US. On the basis of this authority, traditional fishing by foreign nations has been recognized in several United States bilateral agreements. Our reciprocal fisheries agreement with Canada states as a basis that the "fishermen of the two countries have traditionally fished for the same species in certain areas now encompassed within the exclusive fishery zones." Our agreement with Japan concerning certain fisheries off the United States coast also permits limited fishing by Japan in our contiguous fisheries zone.

The exact definition of recognized traditional fishing rights depends upon the provisions of the agreement involved. The United States proposal in 1958 based the existence and extent of traditional rights on fishing activities in a five-year previous period. The European Fisheries Convention used a longer base period and limited the right specifically to the stocks and the area in which fishing had been carried out. Our bilateral agreements specifically limit the fishing activities which will be allowed.

Some agreements, such as the European Convention, may also contain provisions for a phase-out of traditional fishing over time.

As you know, our fisheries proposal in the Law of the Sea Conference contains provision for access by states which have traditionally fished for a resource, subject to reduction or phase-out without discrimination, on the basis of a formula to be negotiated. The exact definition and extent of traditional fishing will also have to be determined in the context of the negotiations, and we are in the process of considering various formulas which might be used in this regard.

*Question.* What is the status of the Brazil Shrimp Agreement? Have any attempts been made to achieve a similar agreement on tuna with countries such as Ecuador and Peru? If so, to what avail?

*Response.* The agreement, extended once, will expire June 31, 1974. Our fishermen seem satisfied with the present arrangement. The USG has proposed negotiation of a new agreement with the Brazilians, but in the event this is not possible we will attempt to extend the current agreement again. While we have not negotiated with the CEP countries to achieve a similar set up, we did seek their reactions on the US-Brazil treaty. The indications were that they did not see it as being applicable to the tunas our fishermen exploit off those coasts. However, we are willing to discuss such arrangements further if the countries show interest and it appears that the arrangements would be beneficial to our fishermen.

*Question.* Have any estimates of cost been prepared for the job of enforcing a "species" approach to fisheries jurisdiction and management?

*Response.* We are presently developing cost estimates of enforcement of the "species" approach to fisheries management. As soon as such estimates become available, copies of them will be forwarded to you.

*Question.* What is the realistic likelihood that the Convention on Fishing and Conservation of the Living Resources of the High Seas could be employed as an "interim" protection mechanism for threatened stocks of fish? Has that Convention ever been resorted to by any nation with any tangible results? Does the State Department have any plans to utilize the procedures of this treaty?

*Response.* The United States interest in coastal fisheries goes to both conservation and access by American fishermen to the supplies of fish they need to keep the fisheries economic. The Convention on Fishing and Conservation of the Living Resources of the High Seas provides only for conservation, on a nondiscriminatory basis. Thus it does not permit us to deal with the entire problem. Only a few of the major fishing nations other than the United States are parties to the Convention, and only a very few vessels from Parties ever fish off the United States coast. We are not aware that the Convention has ever been resorted to with tangible results. We are constantly exploring actions that we can take to further protect our fisheries interests, and the Convention is often considered in this context, but we have no concrete plans to utilize it in any direct manner at this time.

*Question.* There has been much discussion of provisional application of a new Law of the Sea Treaty or Treaties. Have the terms of any full, new Treaty been applied provisionally, or has provisional application experience been mostly with amendments to existing treaties? Is it realistic to believe that

any nation would wish to be bound, even provisionally, by such a complex treaty as the Law of the Sea Conference would develop, especially since its actual terms would not be known until the very end of the negotiations?

Response. The concept of provisional application of a treaty or other international agreement is a widely recognized feature of the international law of treaties, as evidenced by Article 25 of the Vienna Convention on the Law of Treaties. The United States has provisionally applied new international agreements on number of occasions. Two examples are the Convention of International Civil Aviation and the World Health Organization. Provisional arrangements have often been made for the preparation of administrative machinery contemplated by an international agreement prior to the entry into force of the agreement. Examples include Annex I of the Statute of the International Atomic Energy Agency (TIAS 3873) and Article I, Section I of the Interim Agreement on International Civil Aviation (EAS 469). The Congressional Research Service has prepared a paper for the Subcommittee on International Organizations and Movements of the House Committee on Foreign Affairs entitled "Law of the Sea Treaty: Alternative Approaches to Provisional Application," which examines a number of precedents. In addition, the United Nations General Assembly has prepared a report on the subject entitled "Examples of Precedents of Provisional Application, Pending their Entry into Force, of Multilateral Treaties, Especially Treaties which have Established International Organization and/or Regimes" (A/AC.133/88).

Because of the very apparent need for effective conservation of living resources of the sea and the desire of many coastal states for expanded coastal fisheries jurisdiction, States may well wish to bind themselves to a provisional agreement to allow rapid implementation of successful treaty articles on these fisheries issues. At the time the final decisions on provisional application are made, the substance of the treaty provisions involved would be known.

The CHAIRMAN. We have two other witnesses, Oregon Coastal Ports Association, Mr. Ternyik, and Larry Qualman.

**STATEMENTS OF WILBUR E. TERNYIK, CHAIRMAN, OREGON COASTAL CONSERVATION AND DEVELOPMENT COMMISSION; AND LARRY QUALMAN, PRESIDENT, PORT COMMISSION OF COOS BAY, OREG.**

Mr. TERNYIK. Mr. Chairman, my name is Wilbur Ternyik. I am chairman of the Oregon Coastal Conservation and Development Commission, created by the Oregon State Legislature in 1971.

This commission of 30 members is responsible for developing a natural resource management program for Oregon's coastal zone.

By resolution of the commission on April 19, 1974, I was delegated to speak here on behalf of the entire commission. We strongly support S. 1988 and urge its passage.

Our commission is now entering its third year of work in developing long-range management guidelines to insure sustained yields of our coastal resources. In no other category do we feel there is a more serious threat, than that of the offshore fishery. Unless immediate steps are taken to regulate the harvest by domestic and foreign fishing fleets, the continental shelf fishery off the Oregon coast will be irreversibly damaged in the next 3 years.

The CHAIRMAN. It is going to take 20 years to revive it. Go ahead.

Mr. TERNYIK. The full impact of the foreign fishing fleet on the American fishery is hard to conceive until one looks at their gear. The foreign vessels now fishing off the Oregon coast are mainly the Soviet BMRT stern trawlers using illegal size nets by American standards.

I would like to show you here two illegal nets recently found off the Oregon coast near Winchester Bay. The first is constructed of monofilament and believed to be Japanese. This rather innocent looking piece of net is in fact a very insidious device. One small portion of an offshore gill net sometimes used in 4-to-5 mile sets.

The second piece of net is a demonstration of total lack of concern for the resource. The American fleet is restricted to a single mesh net of 4½ inch size. This net, as you can see, is one outside web with 4 liners. The towing cable I cut this from was 1 inch in diameter. Oregon fishermen point out that the Soviet fleet is the only one having vessels capable of pulling such gear. Not even the smallest fish can escape this net.

Senator STEVENS. It has 4 liners?

Mr. TERNYIK. Yes.

Senator STEVENS. I have a whole office full of some of these things we got in Alaska. As I told the chairman, we got one that is 14 miles long.

Mr. TERNYIK. The foreign fishing fleets and illegal nets being used off the Pacific Coast are causing the systematic destruction of this country's vital fishery resource.

This is a series of color photos I took directly west of Florence, Oreg. on a day we counted 55 vessels fishing just outside the 12-mile limit. Please note the shoreline in the background. Last season the first Polish trawler fished off the Oregon coast. This vessel with a U.S. observer aboard took 17,000 pounds in one 10-minute tow.

The CHAIRMAN. You heard the testimony, we don't have an agreement with them.

Mr. TERNYIK. No agreement.

The CHAIRMAN. They will be back. Don't worry, they will be back.

Mr. TERNYIK. We feel the Polish vessels are no Polish vehicle at all.

The grim picture of disaster facing the American fishery extends beyond our shoreline. The once great Alaska Bristol Bay salmon run is facing total depletion this season. The swift complete wipeout of the Oregon Pacific Ocean perch fishery is another example.

The American ocean perch fishery catch reached a high of 13.7 million pounds in 1 year, but the fishery was completely depleted by the Soviet fleet activities in 2 short years.

Next in line, the Dover sole, a fish that lives to age 30. U.S. net requirements enable escape of Dover sole 5 years old and younger. Soviet fishing nets allow for no escape. The effect of the removal of Dover sole and ocean perch on the offshore life chain is not known. Without proper knowledge developed by thorough resource inventories, this, too, could spell total disaster. Dr. Byrne of Oregon State School of Oceanography told me last Friday that no such data now exists. It is his opinion that the problems facing the Oregon fishery stock may be beyond help if these studies are not started soon.

The CHAIRMAN. Even without these studies on ocean perch, it is just common knowledge they have gone down. They are pretty well gone. We don't have to have studies about it. Although Dr. Byrne ought to proceed and do what he is doing so we have more data.

Mr. TERNYIK. Dr. Byrne and the commission are not the only ones seeking action on this problem. During the 1973 Oregon Legislative session, H.B. 2821 passed the House by 56 to 0 and the Senate by 24 to 1. It was then vetoed by our Governor, only later to be overwhelmingly passed over the veto.

This strong bipartisan message called for a halt to this uncontrolled fishing.

The CHAIRMAN. Right there, Mr. Moore, this wasn't brought up this morning, but here is another problem we are going to have with the States proceeding unilaterally themselves. Here is the Oregon Legislature, and I have no doubt in my legislature if somebody introduced a 200-mile bill, it would pass.

Mr. MOORE. I think one has passed in Massachusetts.

The CHAIRMAN. This is also one of the problems you have off the coast. Our Constitution, for the record, lends itself to this because the court decisions on the limits of the coastal zones, the court decisions said that we had control of the oceans as far as a man could row a boat. It didn't say how big a boat or how long. I suppose until he disappeared or until he got tired out. They have stuck, and that is part of the Constitution.

So, our State could pass a law just like Oregon did.

Mr. MOORE. Senator Magnuson, I would have to say, though, the States would be bound by the same foreign relations aspects.

The CHAIRMAN. I understand that, but it is a problem. Governors can veto them all they want. My State would override his veto.

Go ahead.

Mr. TERNYIK. This bill establishes a 50-mile offshore Fisheries Conservation Zone by the State of Oregon. We realize that it presents serious questions of international law; however, we need the problem solved now, not tomorrow. Therefore, this drastic action by the State of Oregon in absence of Federal leadership. We welcome the introduction of S. 1988 to fill that void.

It is the opinion of our commission that the State Department has failed miserably to protect our fishery resource. Each new treaty has heavily favored the Soviet fleet. The passage of this bill would insure the needed interim protection. We need resource inventory studies, regulations, and police powers developed in an orderly manner if this Nation's fishery resources are to be protected from complete destruction.

Mr. Chairman, I would like to add that our fishermen on the Oregon coast do not really need any more sympathy from the State Department. We need some action if we are going to conserve our fishery resources.

The CHAIRMAN. Thank you, very much. Is Mr. Qualman here?

Mr. QUALMAN. Yes, I am here.

Mainly, I am here to support Wilbur's testimony, but I did happen to have a few things to say.

The CHAIRMAN. You are the president of the Port Commission of Coos Bay?

Mr. QUALMAN. Yes, I am not a fisherman. I would like to give you a few statistics here of the commission of this thing. If I could, in 1972, the fishermen of Coos Bay reaped a harvest of some \$4.2

million worth of fish. That was the amount that the fishermen got which meant to the community something like \$13 million.

We are not that big a port. I think if you add all the ports along the coast, you are talking of many real dollars; you are talking of jobs. For every fisherman, there are probably five people supporting him in the canneries and other types of jobs. I think this is an important factor.

There is another thing, the price of fish. In the last 5 years, many types such as black snapper and crab have tripled in price. The price of crab now is in the neighborhood of \$5 a pound; snapper went from 39 cents a pound to something over \$1 a pound in our area. I don't know what it is back here. But you are paying a higher price for the same amount of food value because there are not as many fishermen there because it takes more fishermen with more sophisticated gear to get the job done.

The CHAIRMAN. Your situation is no different than all of us up and down the Washington and Oregon coast. There are substantial investments in fishery equipment, storage, use of the port. You heard the problem we had here this morning, didn't you?

Mr. QUALMAN. Yes.

Mr. TERNYK. The people on the Oregon coast are certainly appreciative of what you are doing for us and calling this to attention in a very strong manner. We have waited for a good 10 years to appear before a hearing like this one.

The CHAIRMAN. We thank you both very much.

The committee will recess on this bill at the call of the chair.

[Whereupon, at 12:20 p.m., the hearing was adjourned, subject to the call of the chair.]

## INTERIM FISHERIES ZONE EXTENSION AND MANAGEMENT ACT OF 1973

MONDAY, MAY 13, 1974

U.S. SENATE,  
COMMITTEE ON COMMERCE,  
SUBCOMMITTEE ON OCEANS AND ATMOSPHERE,  
*Providence, R.I.*

The subcommittee met at 10 a.m. in room 316 of the Federal Building in Kennedy Plaza, Providence, R.I., Hon. John O. Pastore presiding.

### OPENING STATEMENT BY SENATOR PASTORE

Senator PASTORE. This hearing will come to order.

Today, the Senate Commerce Committee's Subcommittee on Oceans and Atmosphere continues a series of hearings we have been holding on legislation which would extend American jurisdiction over ocean fishing from the current 12-mile limit to 200 nautical miles on an interim basis. We have held hearings in Washington, D.C., the State of Washington, Alaska and California. Tomorrow a field hearing will be held in Boston.

I want to welcome to the bench my good friend Ted Stevens of Alaska who is cosponsoring with me S. 1988. Senator Stevens is the senior minority member on the Oceans and Atmosphere Subcommittee and a strong supporter of a 200-mile fisheries zone.

We on the Commerce Committee view field hearings such as this one as absolutely vital to a full discussion of this legislation which is the most important national fisheries issue now before the Congress, an issue which is vital not only to our fishermen but to all Americans.

We have taken our hearings into the field because this issue is so critical and because we have to make every effort to obtain as wide a range of views as possible on the matter. It is impossible for everyone to journey to Washington to testify and that's why we're here.

We have scientists from the University of Rhode Island, members of the General Assembly and representatives of sportfishermen's groups scheduled to testify.

But we also want to hear from the commercial fishermen who, on a day-to-day basis, must confront the massive foreign fleets operating just off our shores. I know that the fishermen have a most articulate and capable spokesman in Jake Dykstra but if there are any fishermen here who would like to speak and who are not scheduled we would be happy to hear from you after the scheduled witnesses have finished testifying.

We are sponsoring this bill for two fundamental reasons. Because we have to protect our fleets—our fishermen who have a tradition of 3 centuries of going out to sea and who are now losing their livelihoods by the thousands. And because we have to move quickly before breeding stocks of already seriously depleted species are endangered.

Virtually every single commercially valuable fish in the waters off New England is being rapidly depleted. You can name them—the cod, the haddock, the lobster, the Atlantic herring, the yellowtail flounder, the Atlantic mackerel, the Atlantic halibut.

If anyone needs to be convinced of the impact made by the foreign fleets on our New England fishermen let's take a look at what has happened to Gloucester and New Bedford and Boston.

Boston was once the home of one of the proudest and largest fleets on the northwest Atlantic. Now it has a tiny fishing fleet. Thousands of Boston fishermen were driven from their livelihood on the sea as foreign fleets virtually exterminated the haddock and Boston was once the biggest haddock port in the world.

Gloucester was once the greatest fishing port in America. Today her fleet struggles for survival. In New Bedford, which remains one of the leading fishing ports on the east coast, the viability of a fleet and thousands of jobs are threatened as our stocks of yellowtail flounder steadily diminish.

Now I know—all of us who are sponsoring this legislation—Senator Stevens, Senator Magnuson, we know that ultimately the solution to the problem of the systematic destruction of our marine fishery resources by overfishing can only come when the nations of the world agree to an international regulatory regime governing the exploitation and the conservation of the world's fishery resources.

But, we feel very strongly that our fisheries and our fishermen must be given interim protection until such international agreements go into effect. Otherwise there may be nothing left to protect.

After 3 years of preparation, the Law of the Sea Conference will get under way in Caracas a little more than 1 month from now on June 20.

What are the prospects of rapid agreement? Just 2 weeks ago in Washington, Kenneth Rush, the Acting Secretary of State, testified before this committee—rather reluctantly I might add, and only after being prodded several times by questions—that the Department of State does not expect an agreement this summer.

He expressed uncertainty about obtaining an agreement by 1975. Well, it may be several years before deliberations are completed. And it's going to take a few more years after that—some have testified as many as 10 years—before the requisite number of nations will ratify the treaty to implement it.

So now we are talking about 1980 or 1985 or even beyond before we have a working international instrument. Now if we continue to sit on our hands, which is the position of the State Department and the White House, there are just not going to be enough fish left worth protecting by 1980.

We have taken testimony in Washington, but I want to repeat it here in Providence, that by 1980 the world's fishing fleets are expected to take 100 million tons of fish. Scientists tell us that 100 million



tons is the maximum yield of fish that can be taken from the oceans of the world annually without doing biological harm to world breeding stocks. The world's fishing fleets are now harvesting about 70 million tons of fish annually.

These are the best projections available to the National Marine Fisheries Service. But in the face of this kind of forecast, the State Department and the National Oceanic and Atmospheric Administration nevertheless come before us to tell us that we are making a serious mistake in considering this legislation. They plead with us to do nothing until the Law of the Sea Conference completes its deliberations.

The State Department tells us that if the United States takes unilateral action in extending its fisheries zone to 200 miles the U.S. position at Caracas will be jeopardized.

I am in direct disagreement with the Department of State and so are a considerable number of Senators and Congressmen. Indeed, we feel that Congressional approval of a 200-mile limit bill will strengthen the position of our negotiators at Caracas. In fact, many observers tell us a 200-mile fisheries zone is likely to come out of the Law of the Sea Conference anyway.

We can no longer tolerate or afford delay because foreign fleets, anticipating a 200-mile zone coming out of the Law of the Sea Conference, are increasing their activity off our shores. Once a 200-mile fisheries zone is established they will then be able to negotiate with us downward from a higher number of vessels because, and we all know this, a 200-mile zone will mean a gradual reduction in the number of foreign vessels, not a disappearance of all foreign vessels.

There is no question that if we do not take action quickly to try to moderate foreign fishing pressure in New England waters and in other American coastal areas, some species are going to be irreversibly depleted. This is not just rhetoric because the National Marine Fisheries Service has done study after study demonstrating the decline of important New England fish stocks under the impact of foreign fishing fleets.

I am concerned about further delay and I remain skeptical about the effectiveness of international negotiation despite some heralded successes in establishing overall fishing quotas by the International Commission for the Northwest Atlantic Fisheries (ICNAF) last October in Ottawa.

My concerns flow from the fundamental lack of success of ICNAF, a vehicle for international negotiation, over the past quarter century. Now ICNAF was established when the Northwest Atlantic—the fishing grounds off New England, the Georges Bank and the Grand Banks—was still the richest and most prolific fishing grounds in the world.

With ICNAF watching—these great fishing grounds, which New Englanders fished for centuries without doing ecological damage—the foreign fleets moved in and decimated the largest stocks of fish in the world.

Not until the very existence of the haddock was imminently threatened did ICNAF take firm action late last year. But the damage to the haddock was so great that the member nations of ICNAF were forced to clamp a ban on all directed fishing for haddock.

For decades the Georges Bank haddock fishery had been yielding 50,000 metric tons annually, mostly to American fishermen. This is the maximum the Georges Bank haddock fishery could yield without sustaining biological damage. Our scientists knew this when the foreign fleets moved in in the 1960's and disrupted the balance sustained for so long by our New England fishermen.

Now, from a point 30 years ago where we took 50,000 tons of haddock yearly from the Georges Bank, our fishermen have been enjoined from going out and fishing purposely for haddock. Only accidental catches of haddock taken while fishing for other species are permitted.

This is not secret information. The facts and figures concerning the demise of the haddock have been developed by the National Marine Fisheries Service which has been documenting this catastrophe for 10 years now. But what did the United States do about it? Nothing! Nothing effective was done until the haddock was on the edge of extermination and it still remains to be seen if the October ICNAF agreements will work or can be enforced.

I will not document what has happened to the yellowtail flounder or the herring or the cod but the tale of massive depletion of these species in the face of inaction by the United States is similar if not quite as dramatic. It is a story clearly told in the statistics and documents furnished me by the National Marine Fisheries Service.

What I am saying is this is crisis fisheries management and totally inadequate. We have to move before our fishes and our fishermen are on the endangered species list.

And what I am saying is that 25 years of international negotiations involving 16 countries through ICNAF has been tragically ineffective. The time for waiting for international negotiations to succeed is over. That is what I am saying and that is what my colleagues such as the distinguished Senator from Alaska—who has witnessed the same ecological disaster occur in the waters of his State—are saying.

Let me take a moment to describe the bill. S. 1988 is an interim measure to extend the contiguous fisheries zone of the United States to protect our resources and our fishing industry until agreements are reached. The bill mandates the Secretary of State to initiate negotiations as soon as possible with all foreign governments whose vessels now fish off American coasts to regulate—not eliminate—foreign fishing from American coastal waters. The government would also be mandated to seek international negotiations for the rational use and conservation of American fisheries resources. The bill would authorize the Secretary of Commerce to carry out or subsidize research to improve conservation of fish and it would authorize \$1 million for that purpose.

We are honored to have with us the Congressman from the State of Rhode Island, Robert Tiernan, who has to make a plane.

**STATEMENT OF HON. ROBERT O. TIERNAN, U.S. REPRESENTATIVE  
FROM THE SECOND DISTRICT OF RHODE ISLAND**

Mr. TIERNAN. I would like to extend a cordial greeting to Senator Stevens for being in Rhode Island. On Friday, I went to Portland where the House subcommittee was holding hearings relative to the

legislation similar to the bill you have before your subcommittee, and the opportunity to hear the local fishermen express their concern and also to have the State officials from Maine, New Hampshire, and Massachusetts testify at this hearing was extremely helpful. I know the witnesses that will be following me this morning will give you some practical examples of what the invasion of our waters by the foreign fleets have meant to the landings that we have had in our State and through the eastern coast.

The effect on these landings have been very dramatic since 1960, on up into the last few years, and I think it is extremely important that we do extend the territorial waters of the United States to the 200-mile limit.

I know there is some difficulty with some other parts of the fishing industry with regard to retaliatory actions by other countries. However, I think legislation at this time would be extremely helpful and would make—help to serve our negotiators in Caracas in June to impress upon those countries the need for in this area, at this time, because we cannot continue to allow these fleets to come in with these large vessels and make such tremendous hauls.

They are not only taking all the fish in the water, but also they are scraping the bottoms and doing irreparable harm to the potential life cycle of the fish in this area. I think it is extremely important that we impress upon the negotiators at that meeting in Caracas. I think if the Senate could act on this bill before that meeting, it might have a very important effect upon the negotiators not only from your country but from the other countries participating in that conference.

We have not had much success in the past, and, therefore, I would like to strongly support the Senate bill as I have strongly supported the House bill and other efforts in the past, and I think the—now is the time, because we have clearly a great deal of statistical data available to show what this effect has been on the fisheries off the New England coast and the eastern coast.

I think that now is the time for action, and I again appreciate the opportunity to testify and the courtesy you have extended to me this morning to meet a scheduled plane that I have to make back to Washington to testify in Washington this morning.

Senator PASTORE. Thank you very much, Mr. Tiernan.

For the information of those familiar with this legislation and especially those who are not, the purpose of this legislation is to extend the current 12-mile limit to 200 nautical miles, and it is to be done on an interim basis as has been pointed out by Mr. Tiernan in order to make sure that something productive results of the meeting to be held in Caracas, the international meeting, sometime this year, I believe in the month of June.

[The statement follows:]

STATEMENT OF HON. ROBERT O. TIERNAN, U.S. REPRESENTATIVE FROM RHODE ISLAND

Mr. Chairman, I appreciate having the opportunity to be here this morning. On Friday, I attended similar hearings in Portland, Maine. Once again, I am impressed by the knowledge and acumen of our regional fishermen and the overpowering threat that hovers over New England's most valuable natural resource.

The marine fisheries of the world have provided an important source of food and economic support for man throughout history. Technological developments have facilitated greater harvests of ocean fisheries attracting additional fishing effort. International competition has been intensified and conflicts over fishing resources have increased in frequency as fisheries suffer the adverse effects of increased fishing effort. These problems become more acute and the potential consequences of mismanagement more threatening when it is realized that the problems of world hunger are becoming more prevalent and pressing. A management scheme which fails to exploit fishing resources at a level and cost which will ensure their continued productivity and distribution for the maximum benefit of man is simply irrational and indefensible.

Scientists and fishermen alike agree that many of our most important species are being seriously depleted by over fishing . . . Warnings about depletion have been urgently voiced by our fisheries' scientists on haddock, Atlantic herring, yellowtail flounder, halibut and the All American lobster. Yet foreign take is presently at an all time high. For example, before 1960, the Soviet Union did very little fishing off New England. Today, the Soviet fleet takes over 50% of the total catch in that area—more than twice as much as the American fleet. Continued heavy fishing by foreigners has reduced stocks to less than a quarter of the level that once provided a sustained yield!

This foreign competition severely affects American fishing efforts and, indeed, is detrimental to the whole country. The total catch of our fishermen over the past several decades remained constant at 3.5 million metric tons. American demand for fishing products drastically increased so that while in 1965 we imported half of our fishing products, in 1972 we imported 66%, leading to a billion dollar balance of payment deficit in fishing products.

Even more important, in my view, is that competition for the catch has overcome conservation of the resource. In 1972 New England fishermen landed only 400 million pounds of food fish. In 1961, the figure was 742 million pounds. Moreover, catches in certain species of fish are rapidly declining, including fish that traditionally have been the backbone of the New England fishing industry—1972 haddock landings were 12 million pounds, down 10 million from 1971. The 1961 haddock landings were 134 million pounds. Cod landings were down 13.2% from 1971, continuing a decline in recent years. The 1972 ocean perch catch declined one million pounds from 1971. In two years the stock of herring along the Atlantic coast has decreased by 95% and stocks of yellowtail flounder, mackerel and sea scallops are also threatened.

In an effort to control this horror of mis-use, the International Commission of the Northwest Atlantic Fisheries established a quota system for those species most in danger. The trouble with ICNAF is that its rulings have often been ignored. In general the Commission's effort to limit takes of cod and haddock worked until 1965 when foreign fleets moved in with modern, government subsidized fleets and equipment and proceeded to ignore the guidelines. Since then the Commission's main accomplishments have been to provide a forum for well meaning rhetoric and to produce an annual report outlining a raft of proposals. Quotas or no quotas, the foreign vessels keep busy. One by one species have been virtually eliminated—haddock, cod, yellowtail, scallops, who knows what's next? We've been using this species approach for almost four years. It did serve a useful purpose in focusing attention on the problem but it has become abundantly clear that this approach alone will not solve our problems.

The State Department seems to feel that we should patiently wait for the outcome of the Law of the Sea Conference. In my opinion we just cannot afford to wait. I believe we have no choice but to extend the limit of our fishing jurisdiction. I have introduced and supported legislation which would extend on an interim basis U.S. jurisdiction pending the outcome of the Law of the Sea Conference. Hopefully the conference will establish a unilateral international agreement. Until then we must protect our fishing resources. We must not allow competition to rout conservation of our most precious marine species and the American fishing industry. Therefore, I believe we have no choice but to extend the limit of our fishing jurisdiction.

Senator PASTORE: If there is anyone who has to get away immediately, will he or she please rise, and let me know who they are and why.

Mr. HOLMES. Representative Holmes.

Senator PASTORE. Yes, Mr. Representative, do you wish to come on first?

Mr. HOLMES. I would like to. I have a few brief remarks and then I would like to leave.

Senator PASTORE. Please take the witness chair.

**STATEMENT OF HON. HERBERT U. HOLMES, STATE  
REPRESENTATIVE FROM BARRINGTON, R.I.**

Mr. HOLMES. Senator Pastore, I appreciate the opportunity to come up early because I have to leave on a business trip for 2 days.

Senator PASTORE. We are very happy to have you.

You may proceed.

Mr. HOLMES. Senator Pastore, I am Representative Holmes from Barrington.

Senator Pastore and honorable members of the Senate Commerce Committee: Thank you for inviting me to appear before you.

My remarks will be very brief.

Senator William O'Neill and I originated these 200-mile limit House resolutions to the Congress several years ago. Representative James V. Aukerman, Representative Charles Ted Wright and I have continued each year since. I am delighted our resolutions have been heard.

Today, you will, I am sure, receive all kinds of statistics regarding the millions of tons of fish being scooped up just off our shores by foreign fleets. The tonnage is appalling. Information regarding the methods used and the size of the fleets I shall leave to the experts.

My concerns are three-fold: A precious natural resource is being depleted at an alarming rate. Just one example: Haddock is now so scarce it is questionable whether or not it can make a comeback. Our American fishermen are no match for foreign government subsidized fleets. Our people are being forced out of business.

The ironical thing is that much of this catch is being sold on the American market. As a lifelong sports fisherman, I have personally become aware of the decline in the past few years of my own volume of fish caught.

I would remind you that several South American nations have already extended their territorial limits to 200 miles.

We cannot afford to wait any longer. I am well aware of the meetings to be held in Caracas this summer regarding The Law of the Sea Conference.

However, unfortunately, I doubt a workable agreement will be reached. In the meantime, the fish are being decimated, the ocean floor is being swept clean and in a very short time our continental shelf will be a veritable desert.

Gentlemen, I urge you to work for passage of the 200-mile limit.

Thank you.

Senator PASTORE. Thank you very much.

Any questions?

Thank you very much.

Is Senator Chaves here?

Is Hon. James Aukerman, State Representative, Kingston here?

[No response.]

Senator PASTORE. The Honorable Charles T. Wright, State Representative from Narragansett?

[No response.]

Senator PASTORE. Is John Cronnan, Chief of the Division of Fish and Wildlife here?

Mr. CRONNAN. Yes, Senator.

Senator PASTORE. All right.

**STATEMENT OF JOHN CRONNAN, CHIEF, DIVISION OF FISH AND WILDLIFE, RHODE ISLAND DEPARTMENT OF NATURAL RESOURCES**

Mr. CRONNAN. Thank you very much, Mr. Chairman. I am substituting for Mr. Dennis Murphy, Jr., who had a very, very grave problem. His father died this weekend. I am filling in for him.

I think to start right off, it should be noted that the state of Rhode Island supports S.1988,, which extends the fisheries jurisdiction to 200 miles. I am talking a little off the cuff and I will get to the printed page in a second.

I am sure that the chairman and the rest of the people sitting up there are kind of weary hearing the same stories, which are no different from what you have heard time after time.

I have got to state that Rhode Island was most concerned with the well-being of the fishing industry in our State. Many people don't realize it, but in 1973 the foreign vessels were valued at around almost \$15 million. When you start putting that up the economic scale, it is worth a lot more money.

Now prior to 1960, our New England fishermen shared the seas perhaps with the Canadians. Other than that, it was pretty much our place.

Since then there are 10 other nations who are continuing to use and perhaps—that is perhaps not the right word, but using, capitalizing, and taking what I would say are fish; and there are other countries that get the chance from time to time, depending upon the product, and depending upon the species, and what have you.

I think it is most difficult for any Rhode Islander to realize what this sweep does there. They go down to Newport, but to see what these vessels are offshore, you know, it is Ford, General Motors, and all the rest at sea, rather than in Michigan.

As has been mentioned previously, our haddock fishery is a no-no. It doesn't exist anymore. The yellowtail flounder, which are very important to most of our main ports, Newport, are on a quota. There are problems, we are all getting scared about the stocks.

Many other species, herring, squid, the whole thing, we can't—you know, we can't get a greater rate because Rhode Island is not a U.S. Government and obviously not an international government.

What is the answer to this problem?

Well, perhaps—I am an old biologist from way back. I would say regulate the fisheries. But how do you do this really, particularly in international waters?

Our Government has taken a stand through the Northwest Atlantic Fisheries Treaty, which people agree with—bilateral agreements and what have you; and very simply they have not worked.

I was at a meeting the other day in Boston; and I was told, fact-wise, very candidly, that the increase in fishing effort by vessel was 8 percent. That is from January 1 through the end of April, 1974, 8 percent over last year. I had the opportunity to talk to a couple of other folks, and this 8 percent is almost meaningless, because really it was probably in the area of 23 or 25 percent, because of bigger vessels, bigger nets, all the problems you are very, very familiar with.

Also, our Government has seen fit to oppose, in my opinion—to oppose S. 1988 on the basis that the Law of the Sea Conference will solve all of our problems.

That may be true. Perhaps it will. Perhaps I am a pessimist. I am not very sure that it will.

I think the important thing is that this bill that we are all talking about here today is an interim. If the Law of the Sea Conference accomplishes what we all hope and pray that it will do, then this bill is meaningless.

Anyway, in summation, Senator I again thank you for having me here. I do want to go on record for the Department of Natural Resources in the State of Rhode Island, that we are in full support of your bill.

Senator PASTORE. Are you familiar with the ICNAF Agreement?

Mr. CRONNAN. Yes, I am.

Senator PASTORE. How does that work out?

Mr. CRONNAN. Well, you have some problems. Number one, you have 16 nations at the present time. It is a step in the right direction, but it does not accomplish what we all want; and that is the fact that no matter what we talk about, resource-wise, everyone is, you know, trying to divy up the parts for what they can get. There is no way that you can implement anything in time to accomplish anything.

Senator PASTORE. Any questions?

Senator STEVENS. No, thank you very much.

Senator PASTORE. Thank you very much.

Mr. CRONNAN. Thank you very much.

Senator PASTORE. Now we have quite an imposing list of witnesses here. I have no preferences to the order. I repeat again we want to accommodate as many as we possibly can. I can take them right down the list as I have them; but if there is anyone here who feels he is pressed in any way, please make that known so we can give you preference in testifying.

I would like to call as the next witness Dr. Andreas Holmsen. Is he here?

Dr. HOLMSEN. I am here. Dr. Rorholm and I have a joint statement.

Senator PASTORE. Fine. Why don't you both sit there.

**STATEMENT OF DR. NIELS RORHOLM, COORDINATOR, UNIVERSITY  
OF RHODE ISLAND SEA GRANT COLLEGE PROGRAM; ACCOM-  
PANIED BY DR. ANDREAS HOLMSEN, PROFESSOR OF RESOURCE  
ECONOMICS, UNIVERSITY OF RHODE ISLAND**

Dr. RORHOLM. I am Niels Rorholm, coordinator of the University of Rhode Island's Sea Grant College Program.

The statement I make today has been prepared in close cooperation with my colleague at the University, Dr. Andreas Holmsen, whose special area of expertise is fisheries economics.

I would like to introduce a statement of Saul Saila.

Senator PASTORE. Without objection that will be included in the record at this point.

[The statement follows:]

**STATEMENT OF SAUL SAILA, PROFESSOR OF OCEANOGRAPHY, GRADUATE SCHOOL OF  
OCEANOGRAPHY, UNIVERSITY OF RHODE ISLAND**

I wish to indicate my support for S. 1988 and H. R. 865 as appropriate measures for the interim extension of United States jurisdiction over its marine fisheries to 200 miles. Some justification for the above statement follows:

(1) Strong support has been given for extended marine fisheries jurisdiction by the Atlantic States Marine Fisheries Commission as well as by a large majority of the commercial fishermen in the New England area with whom I have been in contact.

(2) A study entitled, "Tuna--A Summary of Current Status, Expected Trends, and Alternative Management Arrangements" has been completed by Saul R. Saila and Virgil J. Norton of the University of Rhode Island under contract with Resources for the Future Program of International Studies of Fishery Management to provide some background information on tuna for the forthcoming Law of the Sea Conference. This report is being published by Resources for the Future. It briefly describes the global oceanic distribution of tuna and related species, indicates the limited potential for further increases in catches and suggests various management policies for tuna resources on a global basis. These policies do not preclude extended fisheries jurisdiction by the United States.

(3) Studies currently in progress at the University of Rhode Island such as: Saila, S. B. 1974, manuscript submitted to the Transactions of the American Fisheries Society entitled "Some Applications of Optimal Control Theory to Fisheries Management" demonstrate that the more effectively one can manipulate a control variable the more precisely one can maximize an objective function. In an operational fishery this means that carefully controlled fishing effort will permit precise and accurate prediction of the maximum sustainable economic or biomass yields. The above indicates that extended U.S. national jurisdiction over the marine fisheries would permit more effective and economic management of the continental shelf fisheries than exists at present.

Dr. RORHOLM. The major point we would like to make with these remarks is that extended U.S. fisheries jurisdiction could set the stage for the New England fishing industry again becoming an important economic force in coastal New England, while at the same time improving our balance of trade in the national interest.

Neither coastal New England, the New England fishing fleets, nor our international trade balance in fish and fisheries products have fared well in latter years. The trade deficit—fish products imported minus fish products exported—was \$300 million in 1958, \$755 million in 1968, and 5 years later, in 1973, it was \$1.28 billion.

While the trade deficit has increased fourfold the landings of New England fishermen have fallen to almost one-half their 1958 level.



In 1958 New Englanders landed 998 million pounds of fish and shellfish. In 1973 they landed but 524 million pounds. Without extended fisheries jurisdiction there is good reason to believe this situation will continue to deteriorate. Yet, during this same 15-year period the total landings from ICNAF subarea 5 more than doubled from 459,000 metric tons in 1958 to almost 1 million in 1972.

With respect to our coastal economies, the recent blows rendered by the abrupt removal of U.S. Navy activities, particularly from Rhode Island and Massachusetts, comes on top of a steady decline in men and vessels of the New England area.

During the 5 years, 1965-70, the New England fishery saw its vessels decline by 2.4 percent, its manpower by 15 percent, its gross tonnage by almost 7 percent.

One might ask, with what justification could the New England fishery be expected to grow now when it has not in the past extracted its share of fish from the grounds where foreigners also fish. Aside from the obvious advantages of being able to exclude or at least limit the massive government subsidized or owned foreign vessels to make possible better management of the coastal fishery, there is a very important reason of interest to fisherman and consumer alike, though not necessarily in the same way: prices for fish have risen much more than prices of food in general—even a little more than meat prices. Fish prices in 1973, as figured in the Consumer Price Index, had increased 62.8 percent since 1967, general food by 41.4 percent, and meat rose 61.1 percent. Although we have no accurate index of the costs of fishing, we can say with reasonable assurance that costs of fishing per unit of time have increased less than have fish prices. Thus, under better managed conditions, that is to say, with a somewhat greater standing stock of fish than has resulted from the heavy foreign fishing pressure, it looks very much as though a healthy New England fishing industry is possible under conditions of extended jurisdiction and better management. In addition, the world price of fish has increased considerably, which makes it economical for U.S. fishermen to harvest stocks that were not profitable before onslaught in the early sixties.

To get a very rough idea of the economic difference a domestic, as opposed to primarily a foreign, coastal fishery could make to New England, assume that in ICNAF subarea 5 the U.S. fleet could economically harvest 750,000 metric tons of fish yearly. This is less than the total now taken, but 3.5 times what United States presently gets from the area. It would require approximately a doubling of the fleet and probably more than doubling the work force. At a conservative \$.15 per pound [present New England landings averaged 22 cents per pound in 1973 but include more of the higher-priced species], we are talking of approximately \$253 million—more than twice the \$119 million value of 1973 New England landings. The \$254 million is, of course, a rough estimate, prices of fish and other foods do not stay constant into the future. But there is no real evidence that they will go down.

An amount of \$250 million may not seem like much when compared to a region's economy, but fishing is a good business for a region, one of whose prime natural resources is its marine environment, such as

New England. The fishing industry generates other jobs and other economic activity proportionately better than most industries.

A study performed in 1965-66 of economic impact of marine activities in southern New England indicated that the fishing industry ranked highest among the civilian sectors in its ability to generate economic activity over and above its own output. For example, the fish-catching sector generated an average of \$196 for each \$100 of its own output; of this, \$117 was personal income. Thus, the estimate above of \$254 million landings could amount to a total of \$749 million or more in transactions, of which \$296 million would be personal income. Mr. Chairman, in New England we need all the personal income we can get, particularly from environmentally compatible industries.

To sum up, given the opportunity through extended fisheries jurisdiction there is a good potential for bolstering the New England coastal economy and for alleviating a small part of the Nation's balance of trade problems.

Thank you, Mr. Chairman, this concludes our prepared statement. We will be pleased to answer any questions or to submit, for addition to the record, any additional information the committee may request.

Senator PASTORE. For one who is versed on this subject and feels it very keenly, can you see a distinction between our concept of international waters for purposes of navigation as against the broadening of the line, the zone for purposes of fishing?

Is my question clear to you?

Dr. RORHOLM. Not entirely, Mr. Chairman.

Senator PASTORE. Well, the argument has been made that we should not do this for the simple reason that we would be constricting ourselves as a major power in using international waters for navigable purposes. The argument being made by the State Department that what we are actually doing—I do not subscribe to this logic, because I have always said about the State Department, it is about time we had an American desk. We have an Asian desk, an African desk, a European desk, every kind of a desk to protect almost every other country in the world—but we do not have a desk protecting our own country.

The question I am asking is this: Can you see a distinction between the international waters and the 12 or the 200-mile limit for purposes of navigation as against the concept of the 200-mile extension?

Dr. RORHOLM. Yes, I can, very much, Mr. Chairman. I have to emphasize that I am speaking as a layman.

Senator PASTORE. That is what I want. I don't want an international lawyer's point of view. I will get a lot of that.

Dr. RORHOLM. I see no conflict, necessary conflict, between the right to manage a fishery and the right to extract minnows from the bottom with the right of passage of shipping. I understand my colleague, Mr. Holmsen, was getting or going to want to make a statement. Perhaps he would like to answer this question as well.

Senator PASTORE. We would welcome it, Doctor.

Dr. HOLMSEN. Senator, I think these are quite different things. The jurisdiction to the fisheries' resources is no different from the current

agreements we have on the normally limited resources of the continental shelf.

It should not be a conflict between the extension of the fisheries' limits and international shipping, or freedom of navigation. I have been a little concerned about the statements already made here today where the speakers do not differentiate between this. I think the reason possibly that the State Department was concerned, was the fact that—concerned that Latin American countries did not claim sovereignty on the fishing limits. They claimed a 200 mile territorial limit.

I think that answers your question.

Senator PASTORE. Of course, we use the words, "The Freedom of the Seas." No one can dispute that. It is my understanding that the original concept of freedom of navigation was for purposes of actual passage; and that is the reason why we adopted as an international concept the 3-mile limit, so that you would have freedom of the seas.

But now we are confronted with the situation in South America, where our fishing boats are being seized because they are within the 200-mile zone on the part of Peru and the other governments along the coastline there and what do we do? What do we do?

When our people are arrested and put in jail, we simply pay that government in order to release these people. We pay for the seizure of ships; and at the same time, we give them foreign aid. We deduct from the foreign aid. We don't take the foreign aid away from them. We just deduct from the foreign aid what we had to pay to release these people and confiscate the ship.

It makes sense to me. All we are saying is that we would prefer an international agreement. No question about it but these international agreements are not easy to come by. In the meantime, there has been pointed out by the Professor and by previous witnesses, and as will be pointed out by other witnesses, we are seeing our fish supplies depleted, and the big question here is are we going to reach the day when, if the American public wants to eat any fish at all, we have to import it from Japan or Russia or Bulgaria, whatever the case might be.

I want to thank you gentlemen. Any questions?

Senator STEVENS. Mr. Chairman, thank you very much.

Will the 200-mile limit protect the fisheries here on the east coast?

Dr. HOLMSEN. Yes, they will. I think it is about 200 miles from Cape Cod to the east end of Georges Reef. Now, if the Canadians also claim a 200 mile limit, of course, then you get into the discussion of where does the limit between these countries go, because the east end of Georges is closer to Canada than to here, than it is to the United States.

So this depends upon what we consider here the edge of the shelf that we are including in channels going from Maine as the demarcation of the two countries, or would it be the same as in the North Sea?

Two hundred miles off New England, it is about, roughly 100 miles to the edge of the shelf, straight south to us, 200 miles east of us.

So, we can include growth fish stocks.

Senator STEVENS. Would there be any sizable amount of stocks beyond the 200 miles that the foreign fishing fleets could still deplete?

Dr. HOLMSEN. I doubt that there would be any significant fishing carried out by foreign nations off the 200-mile limit here. I am not saying there are not stocks, but there is none sufficient to attract foreign vessels from Europe, from Asia, over here for fishing outside the 200-mile limit. I doubt—at least here in the United States where you talk about the Grand Banks or something, in Canada, I would say it is hardly likely that it would be done at their expense.

Senator PASTORE. Well, I think what we should point out is section 2 of this bill and I am going to read it. Our conclusion is not complete or exclusive. We are making certain concessions in order to accommodate our foreign ships, and at the same time, protecting American fishermen as well.

Section 2 reads as follows:

This Section declares the jurisdiction of the United States as extending to all anadromous species of fish such as salmon spawned in the waters of the nation. Such extension will not apply to fishery zones of another country. This section also authorizes—and this is important—the Secretary of the Treasury to allow foreign vessels to fish in the extended fishery zone and for the anadromous fish covered by the terms of this Act.

In other words, the bill does make certain concessions. All we are saying is let us share it in a reasonable way, an equitable way, but do not come and take it all and lock us out. That is all this amounts to.

Thank you very much, gentlemen.

Dr. RORHOLM. Thank you, Mr. Chairman.

Senator PASTORE. We have Mr. Robert Taber. Is he here?

I understand we have slides to be shown.

Senator PASTORE. Is James Herman here?

Mr. HERMAN. Yes, sir.

VOICE. Jim Herman is a marine biologist with the division of natural resources. He has taken many trips offshore. It will take 2 minutes to show you what we are talking about.

Senator PASTORE. Now, he will show it to us. We want everybody in the room to see it. We can come down, and why don't you put it here. Can you fix this in such a way that everybody in the room can see it?

**STATEMENT OF JAMES HERMAN, MARINE BIOLOGIST, DIVISION  
OF NATURAL RESOURCES, UNIVERSITY OF RHODE ISLAND**

Mr. HERMAN. I believe we will have to show it at more of an angle.

Senator PASTORE. Go ahead.

Mr. HERMAN. I have been offshore to take these slides.

[Slide.]

We pass the loads every time we go out and when we come back in. We have 32 pictures to show. We have a daytime picture of a Russian stern trawler which we have seen fishing up to about 15 miles on out.

Senator PASTORE. About how much of a catch would they make? Do you have any idea?

Mr. HERMAN. As far as tonnage, I believe Mr. Taber could give better facts.

Here we have pictures of two more Russian boats.

[Slide.]

This boat here, these slides here are actual pictures of the Bulgarian fishing trawler that just destroyed around \$5,500 worth of gear. Now, this is the ship that was there on the scene as the Bulgarians went through the nets.

[Slide.]

Senator PASTORE. How far away from shore?

Mr. HERMAN. I believe they were out around approximately 60 to 65 miles.

Now, this particular boat here was in the process of hauling back its nets and its gear when the boat steamed up to it.

They brought the doors, which keeps the mountain nets spread open, they brought these completely right out of the water and up to the side. By the time we steamed up next to her, she recognized us and would not haul the net aboard. We pulled right alongside of her and they were yelling and talking and pulling the net aboard because they had lobster gear on.

There was no response.

[Slide.]

What eventually happened was that the boat proceeded to steam away and they eventually outsteamed us. By the time we could call the Coast Guard, the boat was far out of sight. There was no chance we could do anything. There was about \$5,500 worth of gear damaged by this particular boat.

Senator STEVENS. How far offshore were they?

Mr. HERMAN. Approximately 80 miles.

[Slide.]

Senator PASTORE. Thank you very much. We appreciate seeing these slides. We will be able to understand what you are talking about.

**STATEMENT OF ROBERT TABER, COMMERCIAL FISHERIES  
SPECIALIST, UNIVERSITY OF RHODE ISLAND**

Mr. TABER. Thank you for the opportunity to testify before you today.

With the exception of a 6-month leave of absence as a fisherman during the past 4 or 5 years, I have been employed as a commercial fisheries specialist in sea grants from the University of Rhode Island.

Senator PASTORE. Would you put the microphone closer to you? I think people in the back of the room are having trouble.

Mr. TABER. My responsibility in that position is working with the fishing industry and with the university grant program in developing our domestic fisheries resources to their potential for the benefit of the industry as well as the local and national economy. I, therefore,

feel it is a responsibility and a duty, as well as a privilege, to appear before you today and to testify on S. 1988.

During the past decade and a half, we have seen the results of a lack of effective U.S. fishery policy as it is applied to the conservation and management of our fisheries' resources and the development of our domestic fisheries.

For an impressive and authoritative documentation of the statistics, I would strongly encourage this committee to invite Mr. Malone of the division of fisheries service to testify about the exploitation of our stock. I have seen this presentation several times. It is difficult to end his presentation in short of an hour. It is very strongly documented with statistics, has very extensive slides of the size and types of vessels, and talks very authoritatively on the extent and effort, on the increasing effort over the last decade and a half.

The single most important requirement for sound fishery resource management is responsibility with control of our fishery resources.

The passage of S. 1988 will give us this responsibility and control upon which sound management decisions can be made and implemented.

I am confident no one in this room can dispute the importance of this bill to be used as a tool to develop the fishing industry of New England.

However, it must be remembered that this bill is only a tool. The successful use of it as such will not be judged until several years after it is passed. If one compares the total fishery production of the United States with that of most European countries and coupled with the fact that approximately 65 percent of all fish and fish products consumed in the United States are imported, one can only conclude that we are an underdeveloped nation with regards to coastal fisheries.

How this legislation is used to implement it will be as important as the legislation itself. Therefore, I urge this committee to report favorably on the Interim Fisheries Zone Extension Management Act of 1973 and to consider its passage only as the launching of a vessel. The vessel is to be captained by the Departments of Commerce and State and they are the ones who are ultimately to decide the issues.

Thank you very much, Senator.

Senator PASTORE. Thank you, Mr. Taber.

Any questions?

Senator STEVENS. No questions.

Senator PASTORE. Thank you very much.

Is the Honorable Joseph Chaves here?

[No response.]

Is the Honorable James V. Aukerman here?

[No response.]

Our next witness is Frank N. Campagna, Middletown County, is he here?

[No response.]

The next witness is Richard S. Allen, executive secretary, Atlantic Offshore Fish and Lobster Association.

Is he here?

Mr. ALLEN. Yes, sir.

**STATEMENT OF RICHARD B. ALLEN, EXECUTIVE SECRETARY,  
ATLANTIC OFFSHORE FISH & LOBSTER ASSOCIATION**

Mr. ALLEN. I am Richard B. Allen, executive secretary of the Atlantic Offshore Fish & Lobster Association, an organization representing both dragger fishermen and offshore pot fishermen on the Atlantic coast.

Mr. Chairman, members of the committee: Thank you for the opportunity to speak in favor of S. 1988, a bill to establish a 200-mile fishery contiguous zone.

The Atlantic Offshore Fish & Lobster Association appreciates the concern which this committee has shown in coming to New England to hear first hand the problems which our fishermen are encountering from the foreign fishing effort off our coast.

I must tell you, however, that fishermen in this area have acquired a rather cynical attitude over the years in which they have attempted to bring attention to the destruction of our resources. They are at the point where they feel that their protests are futile. I am hopeful that the actions of this committee and of the entire Congress will demonstrate to these fishermen that government can be responsive to the real needs of the people.

Perhaps this committee can excuse the frustration which fishermen feel if you realize that the problems which we discuss here today were envisioned as early as 1945 when President Truman issued his proclamation with respect to coastal fisheries.

This statement could have provided for effective conservation of our coastal fisheries if it had been vigorously used. U.S. action regarding protection of our fishery resources, however, contrasts sharply with the actions which followed the Truman proclamation with regard to mineral resources of the continental shelf. As you know, the United States claimed possession of those resources and has maintained the exclusive right to exploit or to preserve the valuable energy resources under the seabed.

Our marine fishery resources are also a valuable energy source, a renewable source which can supply us for the indefinite future if we manage it properly. The desperate need for the United States to take strong measures to protect these resources and to develop them for domestic use is pointed out by our dependency on fishery imports. Over 60 percent of the U.S. consumption of fish products is supplied by imports. As the developing nations of the world exert their buying power on the world market, and as they reduce the exports in favor of domestic consumption, the United States will be forced to pay exorbitant prices for imported fish if we do not improve our own harvesting capacity and maintain our stocks.

It is sometimes difficult to understand why the foreign fleets are not more cooperative in adopting conservation measures. Surely, one would think they must be interested in the long-term viability of the resources. There is, however, a very complex set of circumstances which works against the rational management of our offshore fisheries under the present regime.

For the past few years, the trend toward catch quotas on a stock-by-stock basis and the growing sentiment in favor of extended

fisheries jurisdiction have apparently had two contradictory results. If a fishing nation feels that a stock of fish will be put under quota in the near future, the natural thing for that nation to do is to increase its harvest of that species before the quota is established so that it can claim a greater share of the quota.

Similarly, the recent attempts to put an overall limit on the allowable number of fishing vessels in the area seems to have spurred the foreign nations to expand their fleets in order to improve their bargaining position and to nullify the real effects of vessel reductions, whether brought about by international agreement or by extended jurisdiction. The intensity of this activity is revealed by the foreign fishing surveillance reports of the National Marine Fisheries Service which indicate a 29 percent increase in the number of foreign vessels sighted in February 1974 over February 1973.

We thus have a situation in which the foreign fishing nations appear to be cooperating in fishery conservation measures under the threat of extended fisheries jurisdiction but in reality they are taking every possible action to subvert the effects of these measures. This is a problem which the United States must face up to now by carrying through on the threat of extended jurisdiction, and one which we must keep strongly in mind when negotiating with these nations after we have established jurisdiction. The United States must not be swayed in its determination to reduce foreign fishing effort by false cries of economic hardship.

Apart from the reductions in traditional fishery stocks which you are all well aware of, many members of my organization have suffered much more direct and personal losses at the hands of the foreign fleets. You have all heard of the problems which our offshore lobster pot fishermen have had with foreign vessels dragging up their lobster pots. You have also heard probably of the settlements which the Russians and others have made with the Prelude Corp. concerning such gear damage.

The Prelude experience is unique, however, just as Prelude was a unique and unsuccessful fishing operation. The average fisherman is a true entrepreneur, risking his own hard earned capital in a harsh but rewarding industry. These men expect the vagaries of nature and the uncertainties of one of the last truly competitive marketplaces. What these fishermen cannot understand, however, is the careless and deliberate destruction of their fishing gear by foreign vessels. What puzzles them even more is the inability of the U.S. Government to take action to prevent these incidents. This activity has been occurring since the offshore pot fishery began in the latter half of the 1960's and it is continuing to this day. We have appealed to every available source of assistance and yet the damage continues.

I have a great deal of sympathy for the victims of floods and tornadoes and other disasters who receive help from the Federal Government to rebuild their homes and businesses. But when I talk to fishermen who have just lost all or most of their fishing gear to foreign trawlers, I feel that this powerful Government of ours should at least be able to prevent a recurrence of these problems, if they are not able to help the fishermen recover from his damages.



I doubt whether my recounting of these incidents will bring forth the depth of feeling which I experience when fishermen tell me about their losses but I would like to relate to you just a few of the incidents which have occurred over the past years.

On May 27, 1971, Capt. John Osborne of Little Compton, R.I., master of the F.V. *United States*, observed a fleet of Soviet vessels approaching his lobster pot area. Despite his attempts to divert these vessels, Captain Osborne reports that they ignored both his gear markings and his vessel and towed their nets through this area. This damage continued even after Captain Osborne communicated with the Soviet base ship in the area and received assurances that the Soviets understood the situation and would avoid his gear. On the very next day Captain Osborne again observed the Soviet stern trawlers *Bolshevik*, *Azurit*, *Vega* and others towing through his gear. Captain Osborne's conservative estimate of his losses of fishing gear and revenue from that one incident totals almost \$40,000. Needless to say, this was a severe blow to his fishing operation. Captain Osborne reported his losses to the National Marine Fisheries Service, the Coast Guard and the State Department. To date the only result has been that the bureaucracy has lost much of his original documentary evidence.

On October 9, 1971, Captain Richard Guimond of Tiverton, R.I., arrived at the location of his fishing gear to find the area "swarming with trawlers." Although he was unable to identify many of the vessels by name or number, Captain Guimond reports that the hammer and sickle were prominently displayed on the stacks of the vessels. Later in the day Captain Guimond identified the Soviet vessels *Mirfan*, *Mecon* and others as they repeatedly ignored his gear markings and towed through his gear with reckless disregard. The end result of this activity was that Captain Guimond's entire supply of fishing gear was destroyed and he was put out of business for the remainder of what proved to be a very productive fishing season.

Although the Soviets have the largest fleet and have caused the greatest damage, other nationalities have shown the same disregard for U.S. owned fishing gear. Capt. Kenneth Champlin of Narragansett and others have suffered heavy losses to the Spanish; Capt. Donald Chace of Somerset, Mass. and others have reported losses to the Japanese; and Capt. George Whidden of Narragansett has recently lost a large amount of gear to Bulgarian trawlers. Other fishermen report incidents with Italian, Polish, and West German vessels. Recently, after a period of apparent cooperation from the Soviets, their vessels have again caused heavy losses to U.S. fishermen.

With your permission I would like to submit additional information into the record that includes stories on specific gear incidents with the Spanish, also a summary of gear incidents reported to the Coast Guard in 1973 and 1974, an editorial the Cape Cod Standard Times in 1972 concerning losses in that area and a copy of a letter to Senator Edward Kennedy from Capt. Steven Goodwin concerning his recent losses to Soviet vessels.

There are also photographs and other documentary evidence available from the Coast Guard in that.

Senator PASTORE. Will you give them to the clerk so they can be inserted in the record.

Without objection, it is ordered they be placed in the record.

Mr. ALLEN. Thank you, sir.

In total, the damages caused by foreign trawlers have been a staggering burden to the offshore lobster pot fishery. And through it all, for at least 6 years now, the U.S. Government has been unable to obtain any truly effective relief or compensation.

You can imagine, then, the despair and frustration which our fishermen feel when they go out to tend their gear and it has been destroyed by foreign trawlers. Few of our fishermen dare to carry guns on their vessels for fear that they would use them as they watch their livelihoods being destroyed. We do not condone or encourage any violent acts, but perhaps such an incident would bring to their problem the attention which it needs for solution. At least our fishermen have found that the threat of shooting a Soviet fishing skipper certainly brings the Coast Guard to the scene in double quick time.

In summary, gentlemen, let me say that the American fisherman is a unique part of our society and our economy. He is traditionally independent and self-sufficient. The problem of huge foreign fishing fleets off our shores is one with which he cannot deal alone, however. For years he has been asking for your help in solving this problem. I am hopeful that this hearing and other deliberations on S. 1988 will lead to the end of the foreign fishing problem through the extension of the U.S. fisheries jurisdiction to 200 miles. Thank you for your attention.

Senator PASTORE. Thank you very much, Mr. Allen. This is a very, very excellent statement, very articulate, and we congratulate you for it and we thank you. Any questions?

Senator STEVENS. I do want to thank you, Mr. Allen. I think that is one of the finest statements we have had. People in my area have experienced the same problem. When the *Viking King* and the *Viking Queen*, the two largest Alaskan vessels went out in the king crab grounds, the first day they were both stripped of their gear, and we think it was intentional.

I share your viewpoint about the amount of time it has taken the Federal Government to find some way to protect our fishermen. As the chairman said, this is a real fine statement.

Thank you very much.

Senator PASTORE. Thank you.

Mr. ALLEN. Thank you.

[The material referred to earlier follows:]

CAPT. S. W. GOODWIN,  
QUEEN INC.,  
Marblehead, Mass., May 7, 1974.

Senator EDWARD KENNEDY,  
Old Senate Office Bldg.,  
Washington, D.C.

DEAR SENATOR KENNEDY: I am writing as a follow up to telephone calls to your office. Being engaged in the Offshore Lobster Fishery as a Master and owner of my own vessel, I am on the verge of financial collapse due directly to the activities of foreign fishing vessels off our coast.

In two incidents this winter and spring I lost 163 lobster traps and all the associated gear that goes into rigging these traps. Both incidents are on record

with the Coast Guard. These detailed reports include names, numbers, classifications and size of foreign vessels, and locations and times of encounter.

On March 15, 1974 Russian fishing vessels, AZOV and FERGANA, went through my fixed gear. I lost 67 traps representing a loss of \$2,635.00. (Detailed report enclosed.) At approximately 1600 hours on March 15 I called the Coast Guard and informed them that Russian vessels were destroying my gear. I requested assistance. No help of any kind arrived until 2300 March 16, at which time I was headed for port due to adverse weather conditions.

I had been standing by on the International Call and Distress frequency (2182) waiting for a reply to the request for aid. As of 1930 March 15, I received no reply, leaving me completely baffled as to what the Coast Guard intended.

This lack of protection and action on the part of the Coast Guard, combine with the disregard and disrespect of the foreign vessels for my gear, is putting me out of business.

On April 26, 1974, again with Russian fishing vessels, PERLAMUTR, P 4470, and P 4567, I lost 96 traps representing a loss of \$3,780.00. At 0700 April 26, I called the Coast Guard and again requested aid. This time the Coast Guard was fast to act. A helicopter, seaplane, and the cutter UNIMAC all assisted me. Even with their aid, I still lost gear to the Russians.

During both incidents photographs of foreign vessels were taken. After April 26 incident, film was given to boarding officer of the UNIMAC, at his request. After a call to the Boston Coast Guard office, it seems that this roll of film is not with my file and cannot be located. The film is of vital importance to my case.

After 6 years of losing equipment to foreign fleets, I am completely out of patience and finances. I have no alternative but to demand total reimbursement for my most recently destroyed gear from the Russians. Our government has in the past chosen not to stand by its fishing industry. The time has now come for me to take action. Please advise me as to the proper procedures and channels to follow in pursuing this end, in a most expedient manner.

Sincerely,

CAPT. STEVEN GOODWIN.

Enclosure.

The following is a detailed description of the gear lost. All the trawls were in between 42 and 43 fathoms.

Each trawl contained:

800 fathom of  $\frac{3}{8}$ " poly line at \$1.00 per lb., 140 lbs. per trawl  
100 fathom nylon endline at \$.85 per lb., 20 lbs per trawl  
2 20' Calcutta poles at \$3.50 each  
2 buoys per pole at \$.70 each  
Steel traps at \$30.00 each  
2 inflatable net floats, \$7.95 each

Lost March 15, 1974

Trawl no.	Number traps	Loran bearings	Cost
D10.....	19	3790-5930	\$750
D1.....	9	3780-5937	355
D8.....	19	3770-5926	750
C4.....	20	3762-5923	780
Total.....			2,635

Lost April 26, 1974

Trawl no.	Number traps	Loran bearings	Cost
D9.....	18	3783-5925	720
A7.....	20	3765-5940	780
D6.....	19	3767-5940	750
B2.....	19	3760-5925	750
A6.....	20	3762-5938	780
Total.....			3,780

The above gear losses coupled with the loss of catch as follows: Loss of catch of 67 traps for 8 weeks \$7879.20; Loss of catch of 96 traps for 2 weeks \$2730.40; (These figures were derived from the average price per lb. 3/15/74 to 5/15/74, average lbs. per trap per haul, and average hauls per week during that period.) makes my losses for the last ten week period in excess of \$17,000.00!

Thank you for your time and interest. I await your reply.

CAPT. STEVEN W. GOODWIN.

#### REPORTED GEAR CONFLICTS 1974

Date	Reporting vessel and homeport	Reported trawler	Reported nationality	Gear loss reported	Remarks
Jan. 26	Katherine Ann, Newport, R.I., Alan Eagles.	Degiosa Giuseppe, Shirane Maru.	Italy, Japan.....	81 traps \$3,000.	Communications difficulty led to confusion at time of incident.
Feb. 13	Chahrc, Westport, Maine, John Chase.	Zao Maru, Suzuka Maru.	Japan.....	66 traps.....	Incident reported to CG 2 days after occurrence.
Mar. 15	Queen, Newport, R.I., Steve Goodwin.	Azov (VV 1404), Fergana (LI 8128).	Soviet.....	60 traps.....	Incident reported to Flotinspeksiya 03.
Mar. 16	Dolphin, Gloucester, Maine, Murray Williams.			200 traps.....	Soviet vessels were operating in the vicinity of the losses.
Mar. 28	Sandra and Cindy, Point Judith, R.I., Ken Champlin.		Soviet.....	None lost.....	Trawlers turned away from his gear and moved away before causing any damage.
Apr. 3	Diane and Lisa, Point Judith, R.I., George Whidden.		None identified, probable Bulgarian.	166 traps.....	Bulgarian vessels located nearby, CGC Alert boarded but found no conclusive evidence of vessels' involvement.
Apr. 27	Queen, Newport, R.I.....	Perlamutr (KB 0265) RI 4470, RI 4567.	Soviet.....	100 traps.....	Perlamutr boarded by Unimak. No evidence that vessel was fishing after 0400 found. Incident reported to expedition director V. Fedorenko in Leningradskaya Slava.
May 3	Joey, Montauk, N.Y., Dave Krusa.		Spanish, Polish, Russian in vicinity.		Joey departed area before arrival of Active. Foreign vessels observed staying well clear of gear areas.

#### REPORTED GEAR CONFLICTS 1973

Date	Reporting vessel and homeport	Reported trawler	Reported nationality	Gear loss reported	Remarks
Jan. 3	Wiley Fox, Westport, Mass..	9 unknown.....	Unknown.....	16 pots.....	
Jan. 10	Crystal S, Westport, Mass..	Mauritius.....	Italy.....		
Jan. 13	Custy Lobster, Point Judith, R.I.	Unknown.....	Unknown.....		
Jan. 17	Mars, Westport, Mass.....	17 unknown.....	Poland.....		Loss valued at \$58,000 reported.
		3 unknown.....	East Germany.....		
Jan. 19	Western Ocean, Point Judith, R.I.	Unknown.....	Spanish.....	146 pots.....	
Jan. 22	Smart Aleck, Marblehead, Mass.	Yabase Maru.....	Japan.....	6 trawls.....	U.S. L/B sighted placing pots in area where JA trawler already operating. Lost gear value reported, \$11,281.80.
Feb. 1	Glad One, Point Judith, R.I.	Unknown.....	Unknown.....	150 pots.....	
Feb. 9	Western Ocean, Point Judith, R.I.	do.....	do.....		
Feb. 17	Pat San Marie, Westport, Mass.	do.....	do.....		
Feb. 20	Winthroe, Boston, Mass.....	do.....	do.....		
Feb. 24	Crystal S, Westport, Mass.....	do.....	do.....	33 pots 1000 FM line.	
Mar. 4	Pat San Marie, Westport, Mass.	Atlantik KB7101.	Soviet.....	5 pots.....	
Mar. 8	Pat San Marie, Westport, Mass.	Peter Nell.....	East Germany.....		

Date	Reporting vessel and homeport	Reported trawler	Reported nationality	Gear loss reported	Remarks
Mar. 16	Diana Lise, Fall River, Mass.	Unknown	Unknown	63 pots	Losses occurred 10 days before report. Loss valued at \$2,500 reported.
Mar. 31	Pat San Marie, Westport, Mass.	Gardno Aries	Poland	145 pots	
Apr. 26	Jenny and Jackie, Hyannis, Mass.	Neytron	Soviet	\$500 (13 traps)	Incident report to CG several days after occurrence.
May 1	Jenny and Jackie, Hyannis, Mass.	Skembrijja (9072)	do	\$2,700 (90 traps)	Incident report to CG several days after occurrence.
May 5	Homarus II, Boston, Mass.	Unident.		None	
May 15	Shearwater, S. Yarmouth, Mass.	do		\$600	Incident reported late.
June 1	First Ocean, Newburyport, Mass.	Peter Kast (ROS-310)	East Germany	\$1,450 (one net)	
	Sea Hag, Newburyport, Mass.	Rudolph Leonhard (ROS-311)	do		
		Bose Uhse (ROS 312)	do		
June 17	Nordic Fury, Seattle	Hae Yean #62	South Korean	10 crab pots	Pictures at time of incident, \$38,000 estimated value, \$17,500 lost catch value.
July 3	Pompano III, Orleans, Maine	Unident.		None	
July 17	Sea Fever, Long Island, N.Y.	do		10 traps	
Aug. 6	Luckimee	Taiyo Maru 82	Japan	None	
Aug. 10	Canyon Explorer	Taiyo Maru 78 and 82	do	do	
Aug. 24	Renee Lee, Hamilton Bay, N.Y.	Benigno Montenegro	Spain	5 traps	
Aug. 26	Joey, Southampton, N.Y.	do	do	None	
Sept. 27	Renee Lee, Hampton Bay, N.Y., Bill Tully	do	do	2 traps	
Oct. 19	Crystal S, New Bedford, Maine, Prelude Corp.	Magnos Poser Heinz Preis Robert Koch	East Germany	None	
Oct. 29	Atlantic Queen, Point Judith, R.I., Charles Carpenter	Corrado Secondo	Italian	200 traps	
Do.	Miss Phyllis, Point Judith, R.I., Ken Gallup (?)				Reported conflict, no communications established with subject.
Nov. 12	Patriot, Long Island	Perca	Spain	92 pots (\$2,000)	
	Western Ocean, Long Island, Western Ocean Res.			46 pots	
Do.	Patriot, Point Judith, R.I., George Thompson	Vimianzo	do	None	
Nov. 14	United States, Point Judith, R.I., Dave Conley	Nuevo Mundo	Spanish	34 traps	
Nov. 20	Little Gray One, South Yarmouth, Maine, Ralph Altavilla	Unident.	Soviet	None	
Dec. 3	Kristin and Michael, Newport, R.I., Ray Palumbo, Jr.		Unidentified	50 traps	

[From The New York Times, Oct. 7, 1973.]

## TWO EAST END LOBSTERMEN ACCUSE A SPANISH TRAWLER OF DELIBERATELY WRECKING GEAR

Montauk, L.I.—The dispute over fishing rights in international waters spread this week when American lobstermen out of East End ports contended that they were being harassed 85 miles southeast of the Shinnecock Inlet by a Spanish vessel.

David Krusa of Southampton and John Nolan of Bay Shore, owners of the 68-foot Joey, and William Tully of Hampton Bays, owner of the 47-foot Renee Lee, said that on four different occasions in August and September the 180-foot Spanigno Montenegro, ran over their gear, inflicting heavy damage on the traps, lines and radar reflectors that the "pot fishermen" use. The fields were marked

with radar reflectors and positions were recorded and broadcast by the Notice to Mariners Service, they said.

On Sept. 27, the Americans claim, in three separate encounters with the Spanish ship, the Joey lost \$3,600 worth of equipment and the Renee Lee lost \$3,000.

After one of those incidents, the first of what Captain Tully says was two with his ship that day, a Coast Guard cutter, the Alert, acting on the complaint of the Renee Lee, boarded the Montenegro and found, according to the official report, two lobster pots belonging to the American boat in the trawler's nets. After informing the Spanish master of the position of the lobster field and returning the pots to the Renee Lee, the Alert left the area.

"About an hour later, the Montenegro came back," said Captain Tully and deliberately went through our gear. We had to let go of three 30-pot trawls we were pulling in to keep from going over ourselves."

Captain Tully said that when the Montenegro returned he contacted the cutter Vigorous, but had to disconnect "to save my neck." The Coast Guard has no record of this call.

Captain Nolan, who claims he saw the Montenegro destroy the Renee Lee's gear, says that on that same day he lost two trawls. The losses of both boats were reported by Captain Krusa to the Intelligence Department of the First Coast Guard District in Boston.

Despite three reports of incidents between the two American lobster boats and the Montenegro, the Coast Guard has taken no steps through diplomatic channels to correct the situation.

"We have no knowledge of extensive, deliberate damage," said Lieut. Cmdr. Paul Welling, Coast Guard liaison to the State Department. "Should we receive indications that this is the case then we might consider additional steps. I don't want to sound like an indifferent bureaucrat, but unless I'm told there was harassment I can't act. This is the first case we have had of a Spanish vessel damaging or fouling U.S. gear."

#### SPANISH CONSULATE NOTIFIED

The American fishermen contacted the Spanish Government. A spokesman for the Consulate in New York said: "As far as I know, the conduct of our captain was not malicious. He didn't mean any harm, but he had language and radio problems. We have telegraphed the owner asking him to make sure his ship respects regulations and we have informed our Marine Ministry that it should see to it that our ship captains are careful about traps and bear in advance where they are located."

A high seas "gentlemen's agreement" is that stationary gear, like lobster pots, have the right of way over moving vessels.

When damages occur, American fishermen are supposed to notify the National Marine Fisheries Service. Unless a foreign government owns the offending boats the United States Government will not intervene. A fisherman would have to sue in the foreign courts to recover foreign losses.

Meanwhile, at week's end, the Joey returned to its fields. "I hope the Montenegro isn't back again," said Captain Krusa. "Things were very tense out there. It's not just the loss of the gear that is killing us, but without gear we can't fish and with the season drawing to an end we are losing valuable time and possibly our livelihood and way of life."

[From the Cape Cod Standard-Times, June 16, 1972.]

#### IN OUR OPINION THE LOBSTERMEN NEED HELP!

"It was like Pearl Harbor Day out there."

That's how Harwich Harbormaster Sherrill Smith described last weekend when a group of Cape deepsea lobstermen were just about wiped out by vessels from foreign fishing fleets off Georges Bank plowing through their gear and pots.

The group of angry lobstermen met with Coast Guard officials in Harwich Port this week to demand that something be done to protect them from ravages of the foreign vessels, described as "Russian" although the ships of many nations operate in the area.

"It was a frightful experience this past week," Smith said, in telling of the incidents that cost the lobstermen almost \$50,000, according to their estimates. The situation has reached crisis proportions, lobstermen say. They've been trying to make it on the high seas in this comparatively new industry. The deep sea lobstering off Cape began several years ago and has developed into a major business for the dozen or more lobstermen mostly operating out of Saquatucket marina in Harwich Port.

Complaints have been pretty much ignored over the years, lobstermen say. It's hard to prove what actually happened and of course Coast Guard observers are seldom around in the vicinity of a foreign vessel that's plowing through American gear.

The lobstermen want action and action now. Justifiably so. They're fed up with complaining and nothing being done. They want more Coast Guard vessels assigned to patrol the area. They want the lobster field protected by sanctuary during certain times of the year. And they want reimbursement for the gear and pots they've lost.

The federal government has been notoriously lax over the years in trying to protect American fishing interests from harassment by foreign vessels sweeping the seas off the Cape and Islands. When it comes to incidents with the foreign fishing fleet, the federal government is well-known for turning the other cheek.

Meetings with the Coast Guard and stories in newspapers are fine. But what the lobstermen need and want is action. They need legislation, laws to protect them and laws that provide for reimbursement of gear and pots lost through no fault of their own.

Cape men have long been famed in story and song for going down to the sea to wrest their livelihood from the fierce waters. But fighting nature is one thing. Coming up against the huge foreign fishing fleets sweeping the seas is something else.

We most emphatically support the lobstermen and Cape fishermen in their demands that the federal government do something. The problem has been ignored for far too long.

We urge our representatives in the Congress to take immediate steps to demand that the Congress meet its obligation in this matter.

We urge Cape selectmen, the county commissioners, the Chamber of Commerce, and other groups to rally to their support. The only way the Congress moves is through public pressure. Now is the time to put on that pressure.

The lobstermen need help, and they need it now!

Senator PASTORE. Is Ms. Anne D. Holt here?

[No response.]

Is Francis B. Manchester of the Manchester Seafoods, Inc. here?

[No response.]

We now come to Jacob J. Dykstra, president of the Point Judith Fishermen's Cooperative Association, Inc. If anyone knows the problem in Rhode Island, Jake Dykstra knows it, not only for Rhode Island, but for New England. We have been very conversant with you from our office. I know you are very much disturbed about what is happening off our coast and our fishermen, both commercial and sportsmen, and also what is happening to our stock of fish. It will lead to disaster unless something happens.

Mr. Dykstra, you may proceed in your own way.

#### STATEMENT OF JACOB J. DYKSTRA, PRESIDENT, POINT JUDITH FISHERMEN'S COOPERATIVE ASSOCIATION, INC.

Mr. DYKSTRA. Thank you, Senator Pastore. Senator Stevens, thank you for the opportunity to appear before this committee today. As you know, Senator, I appeared before you and other members of this committee previously in Washington, D.C., to give extensive

testimony on this legislation, including many charts, and many graphs, illustrating the state of the coastal fisheries and documenting the pressing need for enactment of this legislation.

In the interests of time and to give as many witnesses as possible the opportunity to be heard here today, I shall not repeat that testimony. Let me just say that we continue our strong support for S. 1988, and that today's witnesses will, I am sure, document that the need for this legislation grows more pressing each day.

In the light of testimony given at other hearings on S. 1988 and other similar bills, I would like to address two points. The first is that of substituting implementation of the 1958 convention on Fishing and Conservation of the Living Resources of the High Seas, signed at Geneva on April 29, 1958, for the legislation we are considering here today.

I might say it seems there is a growing trend among some people who are testifying, and others in and around Washington are concerned with this, that they seem to think that this convention they suddenly discovered is a panacea for all our ills.

I would say let us consider this approach to the problem. The United States is practically the only major fishing nation to have ratified this treaty, thus it does not have the force of international law and would not, as some hope, provide a substitute for S. 1988, with this bill's provision for clear-cut coastal jurisdiction over fisheries.

Thirty-three nations have ratified this treaty but only 1 of those fishing intensively off Rhode Island—Spain—has ratified it. At least 8 nations off Rhode Island—the Soviet Union, Japan, Poland, East Germany, West Germany, Italy, Romania and Bulgaria, have not ratified it.

But suppose we tried to go ahead anyway? The United States cannot use this treaty to regulate its own citizens or those of other nations without Congress passing implementing legislation which gives this authority. So the first step is to pass legislation. The second step, under article 3, is to make sure we have adopted proper conservation measures to apply to U.S. citizens.

The third step, article 7, which the proponents of this approach emphasize, is for the United States to unilaterally impose conservation regulations which do not discriminate in fact or form against foreign fishermen but the United States can only do this after 6 months of prior negotiation with each nation fishing the fish stocks concerned.

Then with these conservation measures in force, we would commence another 12 months of negotiation and possibly 5 to 8 months of arbitration with these nations.

What is generally misunderstood and often overlooked is that article 6, paragraph 1 gives the coastal state (The United States in this instance) a special interest in only the maintenance of the productivity of the living resources, in any area of the high seas adjacent to its territorial sea—not any preference to the harvest of these resources.

Senator PASTORE. Go over that again. I think that is important. We spend money to cultivate the species so that he can go out to the



sea, but we do precious little in protecting the harvesting of that for the American household.

Is that about the size of it?

Mr. DYKSTRA. That is correct, sir.

Senator PASTORE. We make sure we produce more fish so the foreign ships can come in and take it.

Mr. DYKSTRA. Precisely.

Senator PASTORE. And we do nothing to protect ourselves.

Mr. DYKSTRA. That is what I say here. Thus it appears that if the United States could ever complete the involved process of applying this treaty we would be agreeing to force our fishermen to catch less fish than they are catching now to help the foreigners to rebuild the stocks which they have devastated so that the foreigners will have better fishing in the future.

This is simply another variation of the type of involved, delaying, frustrating, unworkable and above all unenforceable arrangement, under which our fish stocks have been decimated. To advance this approach as a substitute for S. 1988 is at best a disservice to the coastal fishermen the Geneva Convention was theoretically designed to protect, and at its worst a deliberate attempt to thwart the effective action which S. 1988 would provide.

The second point I wish to make here, Mr. Chairman, concerns the protection that the present 9-mile contiguous fishery zone affords. This zone is designed to prevent foreign fishing vessels from taking the fish schools right up to 3 miles off our shore. It has been quite effective in this regard. However, some testimony given before this committee on this legislation has used various figures to show that the bulk of the U.S. coastal fish harvest comes from inside 21 miles and therefore greater protection outside of 12 miles is not required.

It is true that we catch much of our fish on the inshore grounds. It is also true, however, that almost every species of fish our fleets take migrate to offshore grounds for a substantial part of each year and thus are vulnerable to the foreign fleets.

We simply catch them when and where they are economically the most valuable to us as U.S. coastal fishermen. To say the fish need no protection offshore because we catch them inshore makes about as much sense as to say the rancher need not be concerned how many of his cattle are rustled out on the range because the only ones he sends to market are the ones he takes from the corral. We reject this argument. It is not sound.

Rather than elaborate on other aspects of this legislation I would prefer that we hear from our fellow Rhode Islanders who have taken time to come here today to express their views. We thank you for the concern of our fishermen that you have demonstrated by your sponsorship and active support of this legislation and for your continued support in many other ways.

Senator PASTORE. Well, we want to thank you Mr. Dykstra. Any questions?

Senator STEVENS. I am happy to see Mr. Dykstra again. I told the chairman we have a Dykstra, too, in Alaska. I am sure you know him. We are happy to see you and take your advice.

Senator PASTORE. Thank you very much.

Is there anyone in this room who desires to testify for or against this legislation?

[Show of hands.]

Senator PASTOR. Please come forward.

Identify yourself.

**STATEMENT OF OCTAVIO MODESTO, GENERAL MANAGER,  
SEAFOOD PRODUCERS ASSOCIATION**

Mr. MODESTO. Senator Pastore, I am Octavio Modesto, general manager, Seafood Producers Association, New Bedford.

So much testimony has been passed out that I want to tell you our position. For years, we have lived with one form of conservation or another; and each year, we have less and less fish in our resources. This method does not work. The American fisherman has, over the years, battled the elements, the fish themselves, and lately the market prices to eke out a livelihood. For the past 14 years or so, the American fisherman has been confronted with the invasion of the foreign fleets on our historical New England fishing grounds. The foreign fishermen who are, for the most part, subsidized by their governments outnumber and outsize any and all of our commercial fishing vessels on the high seas.

With this type of competition, thousands of miles from their native lands, in spite of any and all quotas taking all species and all sizes of fish, our resources are exhausted to the point that no other nature can no longer reproduce fish to restock our resources and support the heavy fishing of the foreign fleets.

Senator PASTORE. That is a point, Mr. Modesto, that has to be emphasized. I don't think very many people understand that. We in America have a free enterprise system. Our fishermen are not subsidized by their government. They have to buy the boats. They have to buy their gear. They are completely on their own. For that reason, they are more or less a group of very small competitors, as against the foreign invader who comes in here with an ocean liner, practically, almost as large as an ocean liner, these trawlers. Not only are they owned by their governments, they are supported by their governments; and there really is no competition at all.

It's like someone with a bb gun trying to contest somebody with a bazooka. It just can't be. That is what we are up against here. I think the people ought to understand this. The American Government does very little for these small fishermen, whether they be commercial, or sportsmen; but in the foreign governments, those boats are owned by the governments themselves. The way they own their airlines.

Families are boarded on those ships. When they catch the fish, they not only freeze it, in many, many cases they can it. They have a moving factory on these ships; and how a little guy in Rhode Island with a small boat, that has to go out early in the morning, and work hard with practically all of his own money invested, how he can compete with this, of course, staggers the imagination. I am happy you made that point.

Mr. MODESTO. Thank you.

The domestic fishermen try to live up to the regulations, using proper size mesh to insure propagation. I am sure the foreign nationals pay little attention to this as evidenced by the facts over the years and the reports that we have been continually receiving.

While none seems to take responsibility for our fishing, everyone from all over the world fishes hard there and does nothing that can be classed as conservation. There is simply utter disregard for this marvelous resource and its survival.

I urge you, sir, to act in favor of the proopsed 200-mile interim fishing legislation now pending.

Although it is late, something can still be salvaged. We have too long been charitable to other countries. I would suggest that we agree that charity begins at home, and that we od something about it now and pass the Magnuson-Studds bill.

Senator PASTOR. Thank you very much.

The gentleman who raised his hand? You may come forward.

#### STATEMENT OF ROBERT LOWERY, DEPARTMENT OF NATURAL RESOURCES

Mr. LOWERY. Mr. Chairman, members of the committee, I am Captain Robert Lowery from the Department of Natural Resources.

I have a few brief remarks. The demand for fish increases steadily. In 1972 our per capita consumption was the highest in 45 years, and we will be eating more in the future as animal protein becomes more expensive. But paradoxically, the quantities of fish landed by the American fisherman has decreased markedly. In 1970-71 the New England fleet landed 46 percent less than it had 9 years earlier.

This brings us to paradox number two: the great bulk of the fish eaten in the U.S. is imported from abroad. The explanation, as most newspaper readers know, is that vessels from at least 20 foreign countries moved into New England waters a little over 10 years ago, and they have succeeded not only in out fishing our fleets, but in depleting the supplies of traditionally marketable fish.

With food costs as high as they are, soon we will be depending upon the sea for food. In the meantime, our waters are being reaped by the foreign fleets. We will look back then, as we have with the fuel crisis, and say we should have acted more intelligently and regulated the fishing on our coast by large foreign fleets which have accounted for 90 percent of the depletion. It is inevitable that fishermen may be put out of business and are becoming dependent on imports. Some day the imports may be shut off as the fuel was; and then we will have a real problem.

It is really sad that people and more of the politicians cannot look into the future and see the inevitable; that we are all dependent on one another. The farmers and the fishermen for food, the laborers, for without them the work would not be done. The politicians to work for the citizens who elect them to protect and manage their affairs. The law enforcement agencies who are hired to protect the citizens and are paid by them.

Before it is too late, I hope we realize that we are all on the same team. It's really something when a little country like Iceland, who

sends its gun boats to protect its citizens, has more guts than the big countries like the United States when it comes to protecting its citizens.

My comments I said would be brief. I wanted to appear principally because last August Representative Tindale of the State of Maine initiated a program to save the American fisheries. I have a sticker for one of you gentlemen. We have had two members from each State, Maine, New Hampshire, Massachusetts, and Rhode Island, meeting practically every Friday; and we intend to sail to Washington with the fishing vessel from New England, arriving in Quantico the evening of June 9 and going up the Potomac June 10 so that we will attend a hearing June 11 in Washington, D.C.

I am sure you people will be invited to a fair we are going to have down there; and we hope you all will attend.

Senator PASTORE. Well, you are going to have fish on the menu? Don't have steak.

Mr. LOWERY. We will have scallops and "red caps" for dessert.

Senator PASTORE. Good for you.

Is Mr. Simms in the room?

Mr. SIMMS. Yes, sir.

Senator PASTORE. Do you want to testify?

Senator STEVENS. I might say, Mr. Chairman, I have been trying to find out if we have an Alaskan vessel on the east coast so we could join you on that trip up from Quantico. I haven't found one yet. If I find one, you will have Alaska joining you there.

Mr. LOWERY. We would love to have you.

#### STATEMENT OF GEORGE SIMMS, CHAIRMAN, SALT WATER COMMITTEE, FEDERATED ISLAND SPORTSMENS CLUB

Mr. SIMMS. Mr. Chairman, members of the committee thank you for giving me the chance to speak here. I am George Simms and I am chairman of the Salt Water Committee for the Federated Island Sportsmens Club. Most of the gentlemen have been talking about commercial fishermen and these sports people are concerned about the fishing and so forth.

Gentlemen,—[inaudible]—representing 15,000 participants in outdoor recreation would like to express their strong support for passage of this bill which would extend the United States jurisdictional fisheries to the 200-mile limit, at sea.

Conservation of rapidly diminishing stock of fish species and features of the Continental Shelf has become of true importance for the dissemination of the extension of a species is not an isolated situation.

Independence in the food chain creates an always spreading circle of loss. Controls of the fisheries off our coast is the only means of preserving the life of the sea. Traditionally New England has had a strong tie to the ocean. The New England fishing can be set up in amidst of rich fisheries of our coast by foreign nations.

Working with small boats on a land-based operation. Our New England fishermen cannot hope to compete with the foreign vessels of tremendous size which they cannot only fish the area but transfer

their catch to ships right on the fishing zone. We of the Federated Sportsmen do not feel our commercial fishermen should have to compete in our own waters against hundreds of foreign fishing vessels and fleets of this magnitude.

As sportsmen, we have always been in the vanguard of conservation measures.

In 1974 already, because of our concern over numbers of giant tuna, the sportsmen have cancelled the U.S. Atlantic Tuna Tournament. Our concern goes beyond the loss of sport fish. The riches of the sea offers one of the last hopes of a food source of generations to come.

Proper management is going to be the only solution to prevent us from devastating another natural resource. We look upon the passage of this bill as an essential step in the direction of wisdom of the sea therefore representing the organized sportsmen of this state, we urge acceptance of this measure.

Tremendous amounts of money are spent on sports fishing. A lot of people get a lot of enjoyment out of it. From what I understand, these foreign boats that are out there put very little back. We would like to see some fish around for future generations. That is about it.

Senator PASTORE. Thank you very much Mr. Simms.

Mr. SIMMS. Thank you very much.

Senator PASTOR. Anyone else in this room who would like to testify for or against this legislation?

[No response.]

I have here a statement from Senator Pell, who could not be here, accompanied by a letter. Senator Pell this morning is managing the educational bill on the floor of the Senate. For that reason, he could not be here.

We have a statement here from Congressman St Germain, who is in Washington on official business and could not be here.

[The statement follows:]

STATEMENT OF HON. FERNAND J. ST GERMAIN, U.S. REPRESENTATIVE FROM  
RHODE ISLAND

Mr. Chairman and Members of the Committee: International agreement on coastal limits and their enforcement is, of course, necessary, but before such an agreement is reached, I believe that Congress must take positive action to protect our marine life resources and salvage our dying domestic fishing industry. I am pleased to have this opportunity to voice my support of H.R. 8665 and S. 1988, and I am sure that it is the majority opinion of my constituents in the First Congressional District that I do so.

We New Englanders are facing the loss of yet another industry, and we must pull out all the stops to prevent this further erosion of our economy now. Not only are the food fish resources of haddock, hake, flounder and yellow-tail being decimated by foreign fishing fleets, but our commercial fishermen are teetering on the brink of disaster. Fishing operations are designed not only to produce food, but to produce profit.

The average New England fisherman, operating generally outmoded, under-powered and inefficient equipment, is no match for the huge, super-modern and government subsidized foreign fleet whose method of fishing concentrates on a single species in a fishing ground, until the supply of that species is virtually eliminated from the area. Foreign competition has forced a significant increase in the price of fish. Even more galling to the fisherman is that the catch of the foreign fleets will most likely wind up on the American dinner table. Large United States owned fish processing companies, holding contracts

with foreign fleets, buy the catch in French-held ports of the Canadian Maritimes, transship in American vessels to U.S. ports from which the products will be further processed and marketed. Surely, this is unfair, and subject to correction.

Foreign fleets, with their super capabilities, must be restrained from our traditional fishing grounds, and the extension of the 200 mile coastal limit will mark the first step in the rejuvenation of our long neglected fishing industry. In addition to seeking the replenishment of our fish resources, we must turn our attention to the updating of that industry, so that it will be competitive with the foreign fleets. As things now stand, the financial perplexities facing the fisherman are at least as critical as the problems of foreign competition. The fisherman's profit margin is so slim that most banks and corporations are reluctant to make loans which would enable him to overhaul and modernize his existing equipment. Insurance premiums are prohibitive, and as a result most vessels and crews are underinsured. Action must be taken so that young people will have the incentive to view the fishing industry as a worthwhile career.

The benefits to be derived from the passage of H.R. 8665 and S. 1983 are not only applicable to the commercial fishing industry. Sportsfishing, once a considerable attraction in New England, has suffered, too. It is axiomatic that if conditions are improved for commercial fishing, they are equally improved for sportsfishing. Tourism is vital to New England, and the interest generated by the approaching Bicentennial promises to make the next few years rank among our most profitable. If we are able to offer revitalized sportsfishing as a tourist attraction, we can only benefit.

In closing, I would like to commend the Chairman and the Committee for their untiring effort to achieve a workable solution to the joint problems of conservation of our fish resources and an equal competitive stance for our domestic fishing industry.

Senator PASTORE. I understand there is another individual who would like to testify.

#### STATEMENT OF STEVEN W. GOODWIN

Mr. GOODWIN. I am Captain Goodwin from Marblehead.

Senator PASTORE. We are happy to have you. You may proceed. Please speak louder.

Mr. GOODWIN. I have been waiting almost 6 years to have an opportunity like this to speak to a committee like this.

I speak for myself, but I am sure a lot of small boat owners feel a lot like I do. I see a few guys from Rhode Island, and I don't see anyone here from Massachusetts, with the exception of myself.

Mr. Lowery mentioned a letter to Senator Kennedy. That letter was from myself.

In just the last 10 to 12 weeks, I have lost what amounts to about \$17,000 worth of gear and loss of catch.

This is a very, very serious financial burden for me to bear. I am just an individual. I have this boat for 2 years. It is a 50-foot boat, a small boat. This is just putting me right out of business.

I say, you mentioned John Osborne. This has been happening to me for 6 years. I started offshore lobster fishing in 1968. I was master on vessels for other owners. I sailed for outfits like Deep, Deep Oceans in Boston, and Ocean Resources. These people are now running larger boats. I have been on my own with this vessel for 2 years, going on my third year fishing out of Newport. This is something that has got to stop for all of us.

I know just the people in Newport that do fishing this winter have lost gear. I haven't seen any of these people come forward and say anything. I know for myself, I am strongly in favor of S. 1988. I mean I need it for my livelihood and my family. I have a boat to pay for and support, a house, two children, and a third child on the way.

This is something—I am almost out of business right now. My gear is sitting on the dock that I am afraid to put in the water. I can't sleep at night wondering if my gear is going to be there the next day when I get out there. I have gear sitting on the dock that I can't bring out.

This last incident that happened April 26, I lost 96 lobster traps, and I myself ran into a Russian vessel, an 83-meter vessel, approximately 250 feet. I am out there is a small 50-foot boat. These people go through my gear. I called the Coast Guard, and this and that. They finally came up. Six weeks before it took them 8 or 10 hours to get there. The year before that, and the year before that.

I have newspaper clippings here from 1971 when I was master on the *Seadog*. The Coast Guard responded slowly to Russian vessels going through the gear, Japanese vessels. This has been happening to me on a continual basis for 6 years; and it happened to me last year.

I am just starting to get ahead this year. I fished all winter, off-shore lobster. This is a long way to go on a 50-foot boat. There is no fish to catch tub trawling. I had to stay and I lost my gear. I have to go 140 miles, go out of Gloucester to fish. I can't catch nothing when I get there.

I make a trip to Browns Bank, 230 miles.

I went up to a Russian vessel. They have marked where our gear is. You call your gear location to the Coast Guard and they give it to the fleet coming in, the Russian fleet, the Bulgarian fleet, the Japanese fleet, this sort of business. They have the bearings where the gear is. When I was aboard a Russian vessel, I put a note aboard and asked permission to speak to the skipper on the boat. I wanted to speak to the master of the Russian vessel. He threw a boarding ladder over, and I came aboard. On his chart he had a no fishing area which encompassed my gear, which means to me that the Coast Guard had given them the bearings of my gear, and they clearly understood it.

Yet there were four vessels towing through my gear the morning of April 26. Every one of those boats had their towing signals out.

Senator PASTORE. Would you say that would have to be deliberate?

Mr. GOODWIN. I would say it definitely was deliberate. I took where he had a no fishing area and transferred it to my chart and it completely encompassed my gear. There was no possible way he was not fishing in that immediate area and had nothing to do with my gear. This has been happening to me, and I know the DeMont boys were mentioned, Johnny Osborne, Polumbo, Fair Wind Enterprises, Sea Fever, Inc., Western Ocean, myself. All of these people. On a small boat, it is almost impossible.

Senator PASTORE. You only own one boat?

Mr. GOODWIN. Yes. I really appreciate this opportunity for me to be able to come forward and speak. I have never had this opportunity. I have never spoke to a Senator before.

Senator PASTORE. I only hope we can do something about this, because I think you dramatized it as well as anything can be dramatized.

You are just all by yourself, it is your complete livelihood. You have a family.

Mr. GOODWIN. My crew has families. I have two men on the boat. Most of these boats have three or four. These are just small boats.

Senator PASTORE. What would you say your gross is in a year?

Mr. GOODWIN. Right now, as of last week, I had to write \$17,000 off in the first 4 months.

Senator PASTORE. The loss of the gear?

Mr. GOODWIN. That is just so far. I have the rest of the spring to go through. I may not have gear out there now. When I was out there last, the Russians were 2 miles to the east of me. These fleets are like 60 and 70-boat fleets.

Senator PASTORE. Do you have any trouble being financed?

Mr. GOODWIN. Sure. Sure I do. How could I not with a loss of \$17,000? I wrote off 4,000 the year before. Who wants to invest money into that? Who can? You go to the Small Business Administration. You know, that is so time-consuming.

Senator PASTORE. Have you been to the Small Business Administration?

Mr. GOODWIN. I have received some of the literature on how to apply for loans and this sort of thing. I am going to have to apply for some kind of disaster aid or something this spring. This is coming into our best season. I start off losing 160 some odd traps. If I had the money in my hand, I couldn't go to the man that makes the lobster traps and say, "I need 400 lobster traps." He would say, "Sure. That will be 10 weeks." What do I do in the meantime? I sit there and look at myself. Where do I get the money for the mortgage on my boat? My family has to eat.

Senator PASTORE. I want to thank you for coming here. You say this is a great opportunity for you to speak to Senators. This is a great opportunity for the Senators to listen to a man like you.

Mr. GOODWIN. I have been trying to speak for years.

Senator PASTORE. What people don't understand is that fishing in the United States of America is practically a small business enterprise.

Mr. GOODWIN. It certainly is. Everybody is privately financed. Most of these people own their own boats. Most of these people—we are not talking of multi-million-dollar corporations. I have a \$70,000 boat which is a small investment to a lot of people. To me it is a major investment and responsibility.

Senator PASTORE. It is your whole life?

Mr. GOODWIN. It certainly is. I have been working years for it. I thank you for letting me have my say.

Senator PASTORE. I thank you for coming. Anyone else who wants to testify for or against? Yes?



**STATEMENT OF HON. WILLIAM C. O'NEILL, STATE SENATOR  
FROM RHODE ISLAND**

Senator PASTORE. Would you give us your name?

Mr. O'NEILL. I am Senator William C. O'Neill. I represent the town of Narragansett.

I am also a member of Save the Fisheries Organization, which is now organizing the said to Washington in early June.

Senator PASTORE, members of the committee, I represent an area that is deeply affected by whether or not this legislation passes. The fishing industry is probably the mainstay of the economy for Narragansett and South Gaston. Probably our largest industry.

Being involved with Save American Fisheries, I have come to realize just how much the fishing industry has lost in New England in the last few years. The Connecticut fleet is practically depleted. There is very little left of the Connecticut fishing fleet. We found this when we were trying to gather funds to support our sail on Washington. A few years back the co-op paid its wages and bills with \$2 bills to dramatize the effect of the fishing industry on our area. The impact was very great. We find that we have an industry that is probably the last bastion of free enterprise. We have individual little businessmen trying to compete against nations instead of competing against themselves. A few years ago, they were competing against themselves for the fishing fleet. Then it was fair competition.

Now we are engaged in unfair competition.

These men, in my mind, are what made America the type of industry we would like to keep. State legislators, for the past several years—we have extended our own territorial waters for the fisheries purpose 200 miles unilaterally, knowing we could not enforce it, but to indicate our support for the fishing industry. The State of Massachusetts did this also.

Senators, I implore you to consider this Studds-Magnuson bill. We are now living in an era of economic development. Let us consider economic preservation. We have an industry that must be preserved. We have people whose livelihoods must be recognized and saved. I know that the legislature and the people from my area strongly support this legislation.

Senator PASTORE. Thank you very much, Mr. O'Neill, for the contribution that you have made. I am quite familiar with you and the district that you represent and the problem that affects the people of that environment. I think this needs to be understood that it is a small American fisherman competing against a national competitive situation, which, of course, is a very difficult thing to do. That is the point. It needs to be made time and time again.

I want to congratulate you for coming here. Thank you very much.

Mr. O'NEILL. Thank you, Senator.

Senator PASTORE. Anyone else?

[No response.]

There being no one else, this hearing will recess to Boston at 9 o'clock tomorrow morning in the Federal Building.

[Whereupon, at 11:30 a.m., the hearing was adjourned, to reconvene at 9 a.m., Tuesday 14 May 1974, in Boston, Mass.]

## INTERIM FISHERIES ZONE EXTENSION AND MANAGEMENT ACT OF 1973

TUESDAY, MAY 14, 1974

U.S. SENATE,  
COMMITTEE ON COMMERCE,  
SUBCOMMITTEE ON OCEANS AND ATMOSPHERE,  
*Boston, Mass.*

The subcommittee reconvened, pursuant to adjournment, at 8:30 a.m. in room 2003A of the John F. Kennedy Building in Boston, Mass., Hon. John O. Pastore presiding.

### OPENING STATEMENT BY SENATOR PASTORE

Senator PASTORE. This hearing was called for 8:30 this morning. That hour having been reached, I think we should commence. Whether the people here are familiar with it, we are anxious to get back to Washington for important votes on the education bill. We are hopeful to hear all the witnesses by 11:30 so we can be on our way to the airport and meet a scheduled plane at 12:15.

I think I should say at this juncture, without prolonging it too much, as a preliminary statement, that there is widespread interest in this bill throughout the country, and we are talking about S. 1988 and other bills relating to the extension of the U.S. Fishery jurisdiction out to a 200-mile limit.

We have held meetings in Washington and Aberdeen and Bellingham in the State of Washington. We have been in Alaska in four cities. We have been in San Francisco and San Diego in California. Yesterday we had a very productive meeting in the city of Providence.

We are coming here to Boston which is very much interested in this legislation. This will conclude the hearings, and after that naturally we will have to meet with the committee and see what we are going to decide to do.

Now we are waiting for the Governor at 9 o'clock, but we will have some time before then. I will call upon Mr. Edward King who has an engagement. Just a moment, please, Mr. King.

I understand Mr. Kennedy would like to make a statement.

### STATEMENT OF HON. EDWARD M. KENNEDY, U.S. SENATOR FROM MASSACHUSETTS

Senator KENNEDY. Thank you very much, Mr. Chairman, Senator Pastore, and Senator Stevens. First of all I want to extend a warm welcome to the Commerce Committee and to you, Mr. Chairman, and

also to our friend Senator Stevens, for coming here and having this hearing which makes such a great deal of difference to all of the fishermen of this State as well as others that are involved in the fishing industry throughout New England.

We know that you have taken testimony at various places. I think I can say that the kind of sentiment for this legislation that you will hear this morning will be virtually unanimous in indicating the support of the people of Massachusetts, and I think generally throughout New England.

This basically is a conservation bill. It is a conservation measure. The people that have gone down to the seas, that are out in the seas off Massachusetts, off New England, have seen the most serious kind of depletion of their resources. First of all, we have to recognize this is an important conservation measure.

Second, we have seen, in New England, the decline of the fishing industry generally, and this has happened because of the exploitation that has taken place off the coast of Massachusetts and New England, principally by foreign ships. We have seen the depletion of resources, in some instances, almost to extinction for all practical purposes; and we have seen the decline of an industry which in the past provided very considerable employment as well as met food needs of the people of Massachusetts, and throughout New England and the country.

Third, we have seen that present quota agreements do not work. They are not effective in trying to conserve the resources or to protect the species off Massachusetts and New England. Mr. Chairman, the kind of solution that we are asking for in the extension of the 200-mile limit is a responsible response to this particular problem.

I think there is justification for it in international law. I think that the whole study of international law has indicated that this is a constantly evolving phenomenon. Even though there is going to be very shortly a Law of the Seas Conference, the record of the various conferences on the seas that have taken place in recent years indicates that it will take anywhere from 8 to 10 years after agreement is reached before any of these agreements are really implemented.

Therefore, we in New England, in Massachusetts, cannot afford to wait. We need this act. We need this legislation. We need it now. It is absolutely imperative. I want to commend the chairman of the committee, Senator Magnuson, and Congressman Gerry Studds, the principal sponsors who introduced this legislation, who have been sensitized to many of the legal implications.

They have recommended what I think is a response which will be effective in meeting these particular needs, in protecting the species, in restoring the prosperity of the fishing industry. It is legislation which is sorely needed.

I again want to thank you for your willingness to come up here and listen to these men and women who will testify before this hearing because we feel, as I am sure our neighbors in Rhode Island feel, that this is a most important, significant piece of legislation that can affect the livelihood of not only the fishermen, but can provide the kind of future development for fishing, not only in this

part of the country, but all parts of this country. It will provide protection of fish resources which is so essential, not only for New England, but for this country, and for the billion and a half people around the world who depend upon fish and fish substance for their protein.

I would like to ask that my complete statement be made a part of the record.

Senator PASTORE. Without objection, it is so ordered. We also have a letter from Senator Cotton, a cosponsor of S. 1988, expressing his regrets at not being able to be with us today; a letter and a statement from Senator Brooke; and a statement from Senator Saltonstall. These will be inserted in the record at this point.

[The letters and statements follow:]

STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM MASSACHUSETTS

I want to thank the distinguished Chairman of the Senate Commerce Committee, the members of the Committee and particularly Senators Pastore and Stevens for giving us in Massachusetts the opportunity today to present testimony on legislation which provides an interim extension of the U.S. fishing zone to 200 miles.

Earlier in this Congress, I introduced a package of legislation designed to assist the fishing industry in the United States. That package included six bills and a resolution which if enacted would provide the kinds of assistance by the Federal Government that is so desperately needed by the fishermen of New England and along all the coastal areas of this country.

Since that time, I have received hundreds of letters enthusiastically supporting this legislation, but those same letters urge that there is one, initial, vital step that must be taken immediately if the fishing industry is to survive long enough to receive the assistance—and that is an extension of the fishery zone to 200 miles. All of the financial aid programs, grants and technical assistance will be useless if our fishery resources are depleted. All of the modernization efforts the fishing industry's own efforts of revitalization, all of that will not save the fishing industry if there is not some control of the fishing effort off our coasts to assure conservation of our resources.

In the testimony gathered by this Committee, several facts are clear on which we all agree:

First—that *fish and marine resources are in jeopardy*

Second—that *the commercial fishing industry is threatened* and our coastal fisheries face the loss of their livelihoods if the depletion of the resources continues

Third—*present treaties and agreements are ineffective* because of inadequate enforcement

Fourth—*immediate, interim action is needed* to reverse the critical situation for our resources

First, it is clear that *fish resources off our coasts are in jeopardy*. Testimony from fishermen in other parts of the country has demonstrated the decline of fish stocks off the Coast of Alaska and the Pacific Coast. And I am certain that the statements of spokesmen for the Massachusetts fishing community today will reflect the same grim statistics on dwindling fish resources.

For example, on Georges Bank, groundfish catch per haul has declined 33% in a decade. Skates declined by 37%. Flounders as a group show a drop of 29%. In the most heavily fished stocks such as cod, haddock, silver hake, and red hake, to over 90% for haddock.

In Southern New England, groundfish abundance dropped 42% and skates declined by 69%. Flounders as a group declined 20%, some species dropping more than 50%. Cod declined 60% and haddock 94%.

From 1960 when the annual haddock catch was 50,000 tons, we went to a quota of 4,000 tons in 1971. Now, as an emergency conservation measure, there is a moratorium on all directed fishing for haddock and closure of fishing areas during March, April, and May where haddock concentrate.

Scientists who have studied the New England fish stocks now agree that the following fish stocks are depleted or threatened: Haddock, herring, menhaden, flounder, cod and lobster. And all of these are high value commercial fish.

In case any doubt the proportions of the current resource crisis, note the comments from the State Department in response to the concern I expressed that the Ottawa ICNAF meeting must come to terms with catch quotas which would protect the stocks:

"We very much appreciate and share your concern about the depletion of the resources in the ICNAF region off our Atlantic Coast and the resulting *plight of the American fisherman and the distress of the American public* and the people at large. Following the failure of the annual meeting of ICNAF in June to agree on *measures to cope with this disaster*, we redoubled our efforts . . . agreement was reached at Ottawa, in some respects not as good as we were seeking and in other respects better. The principal aspect which could have been better is that the catch for 1974 will be somewhat higher than we believe desirable."

According to Dr. Robert White, Administrator of The National Oceanic and Atmospheric Administration, by 1980 the world's fishing fleets are expected to take 100 million tons annually. Scientists say that 100 million tons is the maximum limit of fish which can be taken from the sea without biological harm to world breeding stocks. And we are now taking over 70 million tons annually.

The National Advisory Committee on Oceans and Atmosphere stated unequivocally in their 1972 report that:

"Fish resources are limited, that the potential exists in the world to destroy these resources, and that if our fisheries are not in fatal trouble now, they are going to be unless something is done about conserving the resource."

Now, as a result of technological advances, there exists the capability to fish to extinction. And we must not forget that 1.5 billion people in the world depend on fish for more than half their average daily supply of animal protein.

*Second, it is clear that the New England Commercial Fishing Industry continues to decline even while the total catch in New England waters is depleting the resources.*

Representatives of the Massachusetts fishing industry will outline today for this Committee the history of the decline of the industry in the last decade. Of the total take of New England, our fishermen are getting 12% in southern New England and 10% off Georges Bank. The New Bedford catch has been cut in half since 1968 and in 1972 it was the lowest in 30 years. We are faced with the ludicrous situation of the depletion of the stocks and the decline of an industry while the total fishing effort increases and many other nations' fishing industries prosper.

Another clear example of the decline of the New England fishing industry is the history of the fishing industry in Gloucester, Massachusetts. Between 1950 and 1967 in Gloucester the number of crewmen declined from 1643 to 700. The number of fishing vessels decreased from 196 to 110 during this same period.

Over 800 foreign fishing vessels now ply the waters along our coasts. Massachusetts fishermen in 75' fishing vessels are facing 400' factory-trawlers from other nations. In May of last year 243 vessels from 12 foreign countries fished off the Atlantic Coast.

Seventy percent of the fish the United States consumes each year is imported, representing approximately one billion dollars on imports which there are only insignificant tariffs or none at all.

Neither the fishing industry nor the consumer nor the nation's economy gain when our threatened fish stocks continue to be depleted by fishermen who take the fish to Europe and return it to the United States as frozen fillets.

*Third—it is clear that existing agreements are ineffective to protect fish and marine resources off the New England coast.*

Both the Department of State and the National Oceanic and Atmospheric Administration, in testimony before this committee, recognizing the grave implications in depletion of the stocks, have suggested that existing commission and treaty arrangements are evidence that sufficient progress is being made to reverse the conversation crisis. Both point to the progress at the ICNAF meeting in October 1973 as significant progress.

The International Commission for the Northwest Atlantic Fisheries was set up in 1950 and includes 14 nations in addition to the United States: United Kingdom, Iceland, Canada, Denmark, Spain, Norway, Portugal, Italy, France,

Federal Republic of Germany, USSR, Poland, Rumania and Japan. In 1969 ICNAF first instituted catch quotas limiting the annual take of fish stocks in the Atlantic.

National allocation, dividing the total allowable catch into country quotas, which had been under discussion in ICNAF for five years, was adopted in late 1971.

But in late 1972 there was an alarming increase in the foreign fishing efforts off the New England coast. The U.S. Commissioner to ICNAF reflected discouragement in attempting to reach effective quota agreements.

"... the presence of approximately one-third more total effective fishing effort in subareas five and six this year over 1971. Continuing increases in fishing effort following so soon after the progress achieved at the 1972 ICNAF meeting are disappointing to the United States, both for the threat they port to the efficacy of existing and proposed catch quota management in the Northwest Atlantic."

At ICNAF meetings in Rome and Copenhagen, there was a failure to institute adequate conservation measures. Richard Hennemuth of the National Marine Fisheries Service at Woods Hole said:

"The meeting (Copenhagen) was, to some extent, the culmination of ten years of frustration and failure to develop an adequate scheme of management for an international fishery by an international commission."

Finally in October of 1973, after two decades of discussing adequate management of North Atlantic fish resources, agreement was reached on quotas which would allow some stocks to begin to replenish themselves not now, but in 1976.

And all the while we talked, the New England fish stocks dwindled and fishermen turned in their gear.

In addition to the International Commission for Northwest Atlantic Fisheries and the International Commission for the Conservation of Atlantic Tunas, four bilateral treaties are in effect for the Atlantic coast: U.S.—Canada Reciprocal Fishing Agreement; U.S.—Polish Middle Atlantic Fishery Agreement; U.S.—Soviet Middle Atlantic Agreement; and, U.S.—Rumania Bilateral Agreement.

These treaty agreements are designed to protect several species including clams, lobsters, herring, scallops, shrimp, flounder, hake, and menhaden.

But the same problems of patrol and investigation and lack of adequate enforcement procedures that reduces the effectiveness of ICNAF quota arrangements plagues our treaty agreements.

The National Advisory Committee on Oceans and Atmosphere suggests of these bilateral and multi-lateral agreements "... They have in general been defensive efforts, evolutionary in nature, and often too local and slow-moving." The Committee's 1973 Report points up the frustration of American fishermen: "However, the simple fact emerges that while the United States is in a good position to enforce sensible conservation rules on its own nationals, it cannot easily and uniformly enforce them on foreign fishermen. It naturally outrages those U.S. fishermen, who, while agreeable to abiding by conservation regulations, also want to make a living in a market where not all competitors abide by the same rules."

The frustration of New England fishermen who live within quota restrictions is summarized by Octavio Modesto of the Seafood Producers Association in New Bedford, Massachusetts: "It is ironic that we have to live within, and observe, a quota set by ICNAF and leave the 'cream' to others."

*Fourth, in view of the ineffectiveness of present agreements, it is clear that immediate, interim action is needed to reverse the critical situation for our resources.* The lack of enforceable agreements during this conservation crisis for our fish stocks requires that during the interim period, while we await effective international agreement on conservation measures, we act now to effectively manage the resources off our coast.

Robert W. Schoning, Director of the National Marine Fisheries Service stated in correspondence with Massachusetts fishermen: "We are certainly in agreement that a major problem confronting New England fishermen is the declining availability of traditional fish stocks due to increasing foreign fishing effort with resulting loss in productivity of U.S. fishermen. Our current efforts, which you recognized as high priority, are intended to assure the resource base required for profitable operation by U.S. fishermen. They include international negotiations to extend U.S. jurisdiction over fisheries off our shores (LOS), and active participation in ICNAF and bilateral agreements to protect

our fishery resources. In view of the long-term nature of these commitments, we need to vigorously seek within the given policies, more effective approaches to the international problem."

What the fishing industry needs *now* and what the fish stocks need *now* is interim extension of the fishing zone to 200 miles.

There are five essential reasons why I support passage of legislation to extend the fishery zone to 200 miles now: First, *it is a conservation measure* which extends only the fishing zone. Second, *it does not affect existing treaties* or discourage new treaty agreements. Third—*it is an interim measure* designed to pass out of effect as soon as law of the sea treaties are in force. Fourth—it is the only method of protecting our stocks which *can be effectively enforced*. Fifth—*it encourages the other maritime powers to join with us in saving the oceans resources*.

It is clear to me and I am certain that today's hearing will demonstrate that it is clear to New England fishermen that extension of the fishery zone to 200 miles is the only way we can reverse the spiralling devastation of our fish and marine resources.

Volume of testimony has been gathered by this Committee in support of 200 miles fishing zone from other parts of the nation.

The Atlantic States Marine Fisheries Commission recently passed a resolution in support of the legislation we consider today. Fourteen of fifteen Atlantic coastal states representatives voting favorably: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Massachusetts and Rhode Island have already passed 200 mile fishery zone legislation.

During testimony taken by the Senate Commerce Committee, objections to extension of the fishing zone have been raised by tuna and shrimp fishermen from the Gulf and Pacific Coasts. The National Marine Fisheries Service statistics for 1973 show that 11% of the total catch by American fishermen is caught off foreign shores representing 17% of the total dollar value of the catch by American fishermen. The legislation to extend our fishery zone is designed to protect affirmatively 89% of the industry representing 83% of the dollar value.

But it should be stressed that, in the view of the distinguished Chairman of this Committee, nothing in this proposed extension of the fishing zone will adversely affect the tuna and shrimp industries. No present treaties in force to protect those industries will be abrogated. Indeed, future treaties are encouraged by the legislation.

Those who fear that foreign nations may be less inclined to enter treaty negotiations might wish to speak with representatives of the New England fishing industry who have worked in ICNAF negotiations and who feel that the introduction of this legislation in the Congress was directly responsible for the new agreement on quotas at Ottawa in the Fall of last year.

There also has been discussion before this Committee regarding traditional fishing rights as they relate to extended fisheries jurisdiction. What is clear from that discussion is that international maritime law is an evolving body of law and that so far that evolution has not kept pace with the technology which has changed the character of the oceans of the world.

The Truman proclamations of 1945, the 1958 Geneva Convention on fishing and conservation, the extension of fishing zone jurisdiction by ten nations—all reflect changing attitudes in traditional fishing rights concepts which were based on the theory that the supply of fish was inexhaustible.

On December 18, 1972, the UN General Assembly adopted the following resolution:

"The General Assembly reaffirms the rights of states to permanent sovereignty over all their natural resources, on land within their international boundaries, as well as those found in the seabed and subsoil thereof within their national jurisdiction *and in superadjacent waters.*"

There were 102 nations in favor, none against, and 22 abstentions. This may forecast that the Law of the Sea conference will find extended fisheries jurisdiction as the most compatible means to meet our conservation goals.

The distinguished lawyer, Jon Jacobson, an expert in the field of international maritime law suggests that emergency unilateral resource protection actions by coastal nations would not contribute to a trend toward a division of the ocean into national territories if they meet the following standards: (1)

The action is in response to a demonstrable conservation crisis; (2) the concern is solely with the endangered species; (3) enforcement is not discriminatory; (4) there is an automatic termination time; and (5) there is a clear call for international agreement.

I believe S.1988 meets all of these requirements.

As several scholars in the field of international law have suggested, the legal questions we face are those related to acceptance by the maritime nations of extended fishing jurisdiction. And it is for that reason that we must join together in emphasizing to other maritime powers that this is a conservation measure: that it *will be enforced equitably*; and that *all* fishermen, including Americans, may be subject to conservation regulations.

The extension of the fishery zone is an opportunity to end the tension between American and foreign fishermen: To reverse the build-up of bitterness and frustration over the lack of enforcement of existing agreements: And to foster international goodwill and cooperation among nations to assure the future of maritime resources.

We are all hopeful that effective law of the sea agreements will be developed and ratified quickly. The extended fishery zone legislation automatically terminates when that is accomplished. But the suggestions that the resources can wait until 1985 when most observers agree the new treaties would take effect, ignores reality.

As the Law of the Sea Conference opens on June 1, our highest hopes and encouragement go with our delegation. But we must be realistic about the practical difficulties of reaching quick settlement. The discouraging preparatory sessions over the last three years: the lack of hard scientific and technical data on which to make decisions; and a broad agenda that includes a vast array of issues in addition to fisheries—all these forecast a long and difficult conference.

The United States position for the Law of the Sea Conference, the "Species Approach," ignores the realities of both the New England fishing industry and the prevailing attitude of nations participating in the conference.

There is no practical way to enforce the "Species Approach" in the North Atlantic because of the intermingling of the species and the resulting mixed fishing practices.

As Francis Christy of Resources for the Future points out, even if scientific data were available and gear capable of discriminating between species were developed; there still could be no enforcement of the species approach without constant surveillance, boarding, and inspection. And we still would have no guarantee that the quotas were not being exceeded.

Of the twenty proposals now before the Law of the Sea Conference, eight specifically cite an extended resource zone of up to 200 miles and five additional proposals suggest a zone with the breadth to be negotiated.

The 1973 NOCAA Report to the President and the Congress concludes:

"It should be noted that, though the U.S. position on 'species approach' hasn't changed, estimates of the chances for effective international agreement at the law of the Sea Conference have seldom been very optimistic. But whatever does happen, some arrangement for greater control by the coastal nations over the fish stocks off their shores for the purpose of both management and of harvest seems likely and should be anticipated. The United States must start planning now to be in a position to take advantage of such preferential access or similar arrangement if and when it is worked out—preferably with, but if necessary without, international support. The United States must protect its coastal and anadromous resources from overfishing."

The legislation we discuss today is not designed to take the place of international negotiation, but to encourage effective and enforceable agreements. It is not designed to hamper relations between nations, but to foster goodwill among all maritime nations which participate in the world fishing industry. It is not designed to build walls around our country, but to encourage a reasoned and sensible approach to the conservation of our marine resource which are vital to all people of the world. It is not designed to be a permanent solution to a difficult problem, but a temporary measure that will assure that when all the negotiations are finished, there will be fish and marine resources left for the world to share.

The conservation of our marine resources is in the best interests of us all—in the best interests of our commercial fishing industry and our sports fishermen, of the economy of the developing nations of the world and the peoples



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of the world who depend on fish resources for protein, and it is in the interest of international goodwill and cooperation.

We cannot shirk our responsibility to the ocean resources off our shores. We can no longer ignore the grim forecasts of depleted stocks. It is our happy duty to lead the other maritime nations into recognition of the conservation crisis and the potential for cooperation in alleviating this crisis. We hold out the proposal of an extended fishery zone to all of those maritime nations of the world which fish off our coasts to join with us in implementing this resource protection zone which will assure that in the 21st century we still have the opportunity to share the ocean's wealth. We ask all the nations of the world to join with us as responsible custodians of the ocean's resources for all generations to come.

I am hopeful that the testimony we receive today will demonstrate the strong support of the New England fishing industry for this legislation designed to reverse the devastating decline of America's oldest industry and the devastation of the world's oldest resources.

U.S. SENATE,  
COMMITTEE ON COMMERCE,  
Washington, D.C., May 13, 1974.

Hon. JOHN O. PASTORE,  
U.S. Senator,  
Dirksen Office Building,  
Washington, D.C.

DEAR JOHN: I have been advised late this afternoon that you are planning to be in attendance at the hearing tomorrow in Boston on legislation proposing an interim fisheries zone extension, and that in all likelihood you will be serving as Chairman of this Committee hearing.

As one of the cosponsors of the Bill, S. 1988, which would extend on an interim basis the jurisdiction of the United States over certain areas and fish in order to protect the domestic fishing industry and for other purposes, I had hoped to be able to attend this hearing in view of the need for such legislation to arrest the depletion by foreign fishing fleets of the fisheries off the New England coast.

Unfortunately, owing to prior commitments in Washington, D.C., on Tuesday, May 14, which I have been unable to postpone, it will not be possible for me to be in attendance at this hearing. It is with deepest regret that I note to you that such commitments make it impossible for me to be in attendance at this hearing in Boston. However, I have instructed Arthur Pankopf, Minority Counsel and Staff Director to our Committee on Commerce, who I am sure you know, to attend this hearing as my representative and to subsequently brief me on the testimony received at such hearing.

I therefore would appreciate it if in your capacity as Chairman of the Boston hearing you would make this letter a part of the hearing record, expressing my regrets to Senator Kennedy, Senator Stevens, and such other interested persons in attendance at the hearing and noting that am being represented by Arthur Pankopf.

In this same connection, I understand that Senator Brooke will be sending a similar communication to Senator Stevens requesting that his letter, and possibly an accompanying statement, be made a part of the hearing record.

In closing, I wish to express my thanks to you for fulfilling this request, and I again express my regrets at not being able to be with you in Boston tomorrow for this most important hearing.

With best wishes,  
Sincerely,

NORRIS COTTON,  
U.S. Senator,  
U.S. SENATE,

Washington, D.C., May 13, 1974.

Hon. TED STEVENS,  
Russell Senate Office Building,  
Washington, D.C.

DEAR TED: Just a note to welcome you and the Subcommittee on Oceans and Atmosphere of the Senate Committee on Commerce to Boston. I only wish I could welcome you personally. Unfortunately Senate business precludes this possibility.

Enclosed is a statement on the matter at hand, S. 1988, and I would be most grateful if you would insert it into the hearing record. I have nothing to add to my statement except to say that the problems besetting our fishermen have long been a matter of great concern to me. I am very pleased to see your Committee is now actively seeking appropriate solutions.

There will be a member of my staff in attendance throughout your hearing. With warm personal regards, I am

Sincerely,

EDWARD W. BROOKE.

Enclosure.

STATEMENT OF HON. EDWARD W. BROOKE, A U.S. SENATOR FROM MASSACHUSETTS

Mr. Chairman, I appreciate the opportunity to appear before your Committee to testify on a matter of great importance to all of us in the Commonwealth and New England. It is also my pleasure to welcome you to our state. During your visit, I hope you will have the chance to taste some of the seafood dishes for which we are justly famous. I am confident that this would lend even more immediacy to the task at hand, for unless swift action is taken to protect the region's fish—and fishing industry—we may not have any fish to serve you.

As many will tell you today, the New England fishing industry is at a critical crossroad. Not only are the men and women who make up this industry becoming increasingly and exonerably forced out of business, but the very product they seek is increasingly—and needlessly—becoming extinct.

This state of affairs has been brought about by the tremendous increase in the fishing efforts of foreign nations off our coast. Just ten years ago our New England fishermen were responsible for over 90% of the total catch off New England. Now they account for less than 45%. This has all but shattered our once thriving fishing industry and, even more importantly, this has left our fish stocks on the brink of extinction.

When the effects of this huge foreign effort first became clear, I, like many of my colleagues, was hopeful that the International Commission for Northwest Atlantic Fisheries (ICNAF) could and would resolve the growing imbalances. Created to "protect and conserve the fisheries of the Northwest Atlantic in order to make possible the maintenance of a maximum sustained catch from these fisheries," ICNAF seemed to offer real possibilities of correcting this obvious overfishing. However, the Commission has repeatedly failed to live up to its mandate. Most recently at its Ottawa meeting last fall, ICNAF was presented with carefully prepared scientific evidence detailing clearly the terrible effects of rapidly declining fish stocks in the Northwest Atlantic region. Yet, the Commission responded with only a three year program to reduce the foreign fishing effort—a program which will not even begin to reverse overfishing until 1975 or 1976. Moreover, the success of the Ottawa agreements are contingent upon strict compliance of all member nations. Past precedent unfortunately indicates that such compliance has not been forthcoming and there is no reason to believe that it will be forthcoming in the future.

Hence the time has come for unilateral action on the part of the United States Government. We can no longer rely on the faith of foreign nations nor can we rely on the efficacy of international agreements. We must act now to protect this great resource and our men and women who harvest it. I believe that S. 1988 offers us the best avenue for such action. By extending our contiguous fishing zone out to 200 miles, this bill will not only provide our depressed fishing industry with needed relief but it will assure the nation, indeed the world, continuing availability of one of our most vital food sources. In essence, it does what ICNAF and other international agreements should have done long ago.

In taking this action, it is important to note that S. 1988 is only an interim measure contingent upon future agreements worked out at the upcoming Law of the Sea Conference. Indeed Section 10 calls for S. 1988's immediate termination upon enactment of the Law of the Sea Treaty—a treaty which is expected to recognize the marine resources off our coast as our property. Moreover, the bill makes no claims in regard to navigation, free or innocent passage, or other rights of nations on the high seas. It is simply a reasonable and responsible measure to protect one of our most vital resources until enactment of the Law of the Sea treaty.

In 1973 both the House of Representatives and the Senate passed a Resolution which clearly states that the Congress is "fully prepared to act immediately to provide interim measures to conserve overfished stocks and to protect our

domestic fish industry." S. 1988 is such a measure. I urge the Committee to afford it quick and favorable consideration.

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STATEMENT OF HON. WILLIAM L. SALTONSTALL, STATE SENATOR FROM MASSACHUSETTS

I appreciate the opportunity to appear before you and especially appreciate your coming here as members of the U.S. Senate to discuss our New England fisheries problem with us. I know that all of your states have a deep interest in fisheries generally and in the coastal fisheries specifically.

Massachusetts was founded as a fishing state, as I know that other witnesses have mentioned. There actually was a fishing population here before the Pilgrims landed, though they were not permanent settlers. At that time one could catch fish by jigging, simply moving a hook through the water without a bait or a net, the fish were so thick on the bottom. Now only the highly skilled captain, aided by the most modern electronic devices can find enough fish to make a decent living. Our resource has shrunk and is in danger of shrinking further as Georges Bank has again become a heavily used fishing ground for European vessels and even those of the Far East.

Our earliest settlers recognized that this might become a problem, and in the Virginia Charter of 1606 and 1611 gave the colonists the rights to the fishings.

In thus allocating the fishing grounds to the New England colonists the King hoped to establish unilateral control over them as a resource. While I doubt that at the time they were as concerned with wiping out the resource as we are now, they probably were concerned with price and competition concerns that continue today.

I am a believer in strict and readily identifiable lines of responsibility and accountability. I believe we should establish more clearly defined lines of authority over our coastal fisheries resource. The resource is limited, its location is generally readily identifiable, and it is presently being shared with nations whose long-run interests may not be the same as ours and whose short-run interests place them under higher pressure to find protein now than ours do. The politics of protein can be seen throughout the world and it rubs off here in Massachusetts. Even though we have an adequate supply for most of our purposes at the present time, that supply does not always come from sources that help our economy. We want to be an exporter as well as an importer to a greater extent than we are now.

Where is our control now? In an international body whose discussions generally are subject to long delays and strong differences of opinion. I believe that more of the control, as much of it as we can obtain, should rest unilaterally with the United States. For this reason I support the 200-mile limit proposal, and if that is not obtainable would support a Continental Shelf or species approach as alternatives. My goal is achieving the greatest control possible.

To support this I can only outline a conversation I had years ago with a timber economist. Timber and the fisheries are both renewable resources, and we were comparing some of the arguments that develop in both industries. He finally stated to me, "Several years ago I studied the fishing industry for the parallel between your problems and ours. I came to the conclusion that the fishing industry was headed for serious trouble because no one unilaterally controlled the resource." I believe his comment was an accurate one. While delays and differences separate nations we have seen the Georges Bank fishery deteriorate to the danger point. If it is to deteriorate further, I want to be able to point to the individual responsible and change it. Pointing to an international commission does not give us that opportunity.

In closing, I can only cite the pride which the International Whaling Commission took in its controls a few years ago. Now the whales are almost gone and the two nations still operating whale ships are pursuing the small remainder while questions are raised as to whether the breeding stock of some species retains the power of recovery. We all hope that they do, but we wish that we were not in this position. The story of this may be found in the *New Yorker* of January 1954 in an article entitled "Reporter at Large on a Whaling Factory."

In this statement I have not gone into the details of the ICNAF. I believe that the people who have worked on it for the United States have done a dedicated job under very difficult circumstances. Other national representatives have no doubt done the same. In terms of what we see, we can bury ourselves in statistics, rules, quotes and public statements. While we are doing that, we are losing our fish. I hope the U.S. Senate through your committee will be able to restore a line of control over our fishing grounds similar to that intended by the first colonists through which we can protect and build our fishing industry in future years.

Senator PASTORE. Our next witness is Mr. Edward King, Massachusetts Port Authority.

**STATEMENT OF EDWARD J. KING, EXECUTIVE DIRECTOR,  
MASSACHUSETTS PORT AUTHORITY**

Mr. KING. Thank you, Senator.

We do have an interest in the fishing business. Just recently, perhaps in the last 18 months, we purchased the Boston Fishing Pier. I support this bill because it certainly helps the fishing industry which directly needs help to stabilize its decline and hopefully offer an opportunity for it to rebuild.

Thinking back over the years in the last 15 years we have seen the fresh fish landed at Boston drop from 110 million pounds down to 20 million. We have seen the number of boats dwindle from 65 down to less than 20. We have seen 800 fishermen drop down to approximately 225 and we have seen over 1,000 workers on the fishing pier, not including the fishermen, drop down to 200.

That is certainly not a healthy industry. Yet it is a vital one, one needed to New England.

We are here to support this in every manner we can.

We do not come here asking the Federal Government to help us while we do nothing. Certainly that is not the way that at least Massachusetts port and others should approach the problem.

We understand first and foremost that this industry, if it is to survive, the supply of fish has to be there. Granting that, and that is where your help comes in, we can help with as much lobbying, as much citizen support as we can.

Number one, the fish have to be there. Given that fact, though, we must recognize that we must be able to go out and compete. We must have the boats and very importantly, we must have the men ready and willing to man these boats.

That could be a problem, but it comes after we have the supply of the fish, which would make them eligible to get on these ships.

The third thing, and this is where Massachusetts port comes in most vitally, is the facilities on shore, a modern fish pier facility, the handling, the salesmanship, promotion, different types of species.

Those are the things we can do. We are chartered to do that. We are ready and willing.

Also we are now looking into, with the help of the New England Regional Council, the possibility of starting a fishing school; not just to drop the line out and catch the fish, no, but to do the whole job; to show a man how he goes into business as a fisherman, how does he acquire the boat, how does he fill out the government forms

that are necessary, what about his financing, navigation, his fishing, the sales. All of those things.

So Massachusetts port's support is on the record, but it also will be there in full fact with the willingness to construct; and I think you will see that, a new fishing pier facility which is badly needed, help in brining about a school to attract attention to what was once a great business but is now dwindling.

With your help on giving us an opportunity to have the fish there, so that it will again become an attractive investment for men, an attractive career for young men to go in, I think you will have at least stabilized the business and given us the opportunity we need to look into the future.

Thank you.

Senator PASTORE. Thank you for a very splendid statement.

Senator PASTORE. Any questions?

Senator STEVENS. No.

Senator KENNEDY. Just on the fishing school. I think this is really one of the unique efforts not only in Boston but pretty much around the country. Perhaps you could briefly make an additional comment on that. How you are going about getting these people, what kinds of interest you are getting from the younger people?

Mr. KING. We are getting more interest than we did. About 3 years ago I conducted a survey with the help of the industry. One of the key factors that came out was that younger men were not looking toward fishing as a career. I think they look at it as getting on a ship or boat for 3 or 4 days and coming in and hoping to get a decent supply of money. They started an apprentice program which really was not successful.

So I think what we need is to bring up the career of a fisherman. Let them know it is more than getting on a ship and getting off. Let them be assigned permanently. Let them have a part of that ship, an investment. Let him know he has to know how to navigate to the waters. Let him know he has to become a businessman and make ends meet. Let him know he has to handle the personnel problems and buy the supplies.

I think that bringing a broader picture, or making it a broader picture, bringing more dignity, if you will, removing some of the monotony, make it more attractive for those that require that. Those that don't, fine, they have other types of jobs. I think we will be on the way.

Senator PASTORE. Yesterday in Providence we had a young man from Massachusetts who came to Providence to testify. He is a young man with a very young family. He is married, has two children and one on the way. He has been in the fishing business for a long, long time. He has a 50-foot boat. He is competing with these gigantic trawlers from Bulgaria, Japan, Italy, Russia, all of them governmentally owned. There is really not competition at all.

He told us that he lost \$17,000 of gear; and he doesn't know what he is going to do. He might in all probability have to go out of business.

Now, that is exactly what we are talking about in this bill. What we are trying to do is not to exclude foreign ships from coming in.

They can come in. But I think their catch ought to be limited and supervised.

I think we ought to allow Americans not only to survive in business, but to have edible food in case of an emergency.

I am afraid we are fast becoming dependent upon imports of fishing products in order for the American table to be fed.

I think this is a disgrace and I think that something needs to be done about it. I am hopeful, very, very hopeful that the administration will understand this because the State Department seems to be opposed to it on the grounds that we are interfering with international law.

We are not getting into navigation at all. We don't want to change that one single bit. We will preserve the 3-mile limit.

What we are saying is insofar as conservation is concerned, we have a right as Americans to make sure when an American goes out there to fish he will catch something.

Mr. KING. That is excellent. That young man in Providence really is overmatched. He doesn't have a chance. I think once the fish are there, and then with the boats available and the manpower, I think we can compete and will compete.

Senator PASTORE. Thank you very much.

I understand the Governor is here now.

Governor, I repeat, we are honored to have you this morning and have your cooperation. You may proceed in any way you see fit.

**STATEMENT OF HON. FRANCIS W. SARGENT, GOVERNOR,  
STATE OF MASSACHUSETTS**

Governor SARGENT. Thank you very much, Mr. Chairman. I am pleased and honored to have this opportunity to appear before you.

I come here today to discuss an issue which is vital to the people of this State and this region—the 200-mile fisheries limit. This legislation is absolutely critical to an industry which is struggling for its very existence.

Mr. Chairman, the reckless exploitation of Georges Bank has continued for far too long. It has reached the dimensions of an international scandal.

I might say I have more than a passing interest in this matter. I was, for a number of years, Director of Marine Fisheries. I was Chairman of the Atlantic Marine Fisheries. I fished on Georges Bank, on western bank off of Nova Scotia and the Grant Bank off of Newfoundland. At that time the only vessels fishing on those grounds, particularly Georges Bank, were American vessels and some Canadian vessels. Today the whole world is fishing on these very grounds; and if we don't act, and if we don't act rapidly, I feel we really won't have any fishery at all.

Each year more than 145 billion pounds of fish are used to feed the peoples of the world. With the current world shortage of food, we cannot afford to endanger this very critical resource.

Yet, that is exactly what is happening off the coast of New England. Today, major species on Georges Bank face total extinction.

The haddock is now commercially extinct. The yellowtail flounder may soon join it. Even the cod, which just this month was made the official symbol of Massachusetts, is endangered.

For some time this state has fought this devastation. Three years ago, I signed legislation unilaterally extending our territorial limit 200 miles. Since then Maine, New Hampshire, and Rhode Island have joined us and the New England Governors' Conference has gone on record in support of the 200-mile limit.

Mr. Chairman, we acted because the Federal Government had not. We acted because Washington had turned its back on the New England fisherman.

And we acted to make a point—even if we could not enforce it.

Yet despite all our actions and pressures on the Federal Government, the foreign fishing fleets continue to ravage Georges Bank.

Our own fishermen are being forced out of business by the highly mechanized, government-subsidized factory vessels of 19 other nations.

Indeed, the problem is not unique to New England. Just last week, a large fleet of Russian trawlers was reported fishing outside of San Francisco Bay. The ships were visible from the Golden Gate Bridge, even though they lay outside the 12-mile limit.

It would seem that the shrimp beds of the Gulf and the salmon of the great Northwest are destined for the same fate as the cod and haddock of the east coast. Unless, Mr. Chairman, the Federal Government acts. Unless Congress enacts the Magnuson-Studds bill, S. 1988.

Mr. Chairman, the temporary 200-mile limit provided by this legislation is not too much to ask. The Federal Government already recognizes similar claims by other nations.

We have consistently paid both Peru and Ecuador for violations of their 200-mile limits and seizure of our American tuna boats.

In addition, the President recently signed into law the Offshore Fishing Act of 1973. This agreement allows Brazil to enforce conservation regulations up to 200 miles off its coast. And of all things, the United States has agreed to help to pay for the enforcement of these regulations.

Mr. Chairman, such conservation legislation is all that we ask for ourselves. The Magnuson-Studds Bill will do the job. It will establish a 200-mile limit until international agreement effectively controls the assault upon our fishing resources.

Mr. Chairman, as the day progresses, you will hear from representatives of this State's very hard-pressed fishing industry. I ask that you listen carefully to their words, for these individuals, better than any of us, understand what is at stake.

A month from now they will sail from Massachusetts ports to bring a simple message to Washington: Unless the Federal Government acts, the end is in sight for the oldest industry of Massachusetts and of New England.

Twenty-seven thousand jobs—\$27 million in annual payrolls—\$160 million in ships—all will disappear when the international devastation of Georges Bank is complete.

Perhaps, the Law of the Sea Conference, to be held this summer in Caracas, can avert this disaster. Perhaps, finally, the nations of the world will accept the environmental truth that all resources have their limits.

But as a former Commissioner of the ICNAF, I realize that if a solution is to emerge from the Conference, the United States must be able to defend its interests from a position of strength. This is why I believe this legislation is so important. It will provide that necessary leverage.

Mr. Chairman, I realize it is not easy to abandon a national tradition of the open seas. Because of our long maritime history, in your State and ours, we understand very well the importance of this freedom.

Yet there comes a point when limited action is required. I believe we have reached that point.

We must act to protect a major industry. We must act to preserve a critical resource. If we do not, we will lose both.

Senator PASTORE. Governor, do you think that by this legislation we are indeed abandoning our tradition of open seas?

Governor SARGENT. Well, traditionally in America we have had a 3-mile territorial water.

Senator PASTORE. That is true. But for navigational purposes, do you see a conflict here?

Governor SARGENT. No. Originally back in earlier days, the 3-mile limit was in the best interests of the United States.

Senator PASTORE. I realize that. That is exactly the objection that is being raised by the State Department, and it is our contention, of course, that the concept of the 3-mile limit was for navigational purposes.

We are not interfering with that. What we are talking about is conservation.

I believe—and I hope you do, too, that we can act unilaterally as you have done through your legislature.

Governor SARGENT. I think to protect those resources out to the 200-mile limit it is not only in our own self-interest, I think it is in the interest of the world.

I think we have learned that we just cannot simply let 19 or 20 nations all descend on one area and—even with conservation measures such as the mesh size of the nets and so on, still that fishing intensity is so huge that the resource would be lost.

Senator PASTORE. Thank you very much, Governor.

Senator Kennedy?

Senator KENNEDY. As a practical matter, Governor, isn't it true that the existing conservation agreements just have not been effective, have they, in terms of protecting the species which you commented on here this morning?

I think that all of us here in Massachusetts and New England are aware of the conflicts that have taken place out on the ships in these areas, and would you not agree with me that one of the advantages, besides the conservation measures is that we will be establishing a single standard of conduct which can then be enforced for all uses of these fishing grounds. And perhaps, rather than increasing ten-



sions between countries, this could serve very well to reduce any tensions or misunderstandings that might exist between the United States and any of the ships that come from any of these foreign countries.

I have heard that some of these fishermen are packing guns out there. They are enormously emotionally stirred up about it.

As Senator Pastore mentioned, the loss of gear from some of the various fishermen can't be replaced in spite of an amendment that Senator Stevens and I introduced about a year or so ago, to provide compensation for those fishermen that actually lost gear from foreign ships. So this actually is a way to bring some reduction of the tensions, wouldn't you say?

Governor SARGENT. I believe it would. Actually, the regulations of the International Commission for the Northwest Atlantic Fisheries set up some 20 or so years ago, anticipated a variety of things such as increasing the mesh size of the nets so the small fish could escape and that sort of thing.

It has also been very, very difficult to enforce it, to have a Coast Guard vessel from the United States go aboard a Russian trawler and be able to prove, yes, or no, whether they were using truly the small mesh nets or whether they weren't.

It seems to me if we had the 200-mile limit, so those waters would be protected virtually for our own fishermen, then we could have rigorous, very much more rigorous actually in terms of enforcing, conservation measures.

When you have 19 different nations involved, I think that the tension would grow and grow. I believe the tension would be less if we were able to control our own waters for our own fishing.

Senator PASTORE. Any questions?

Senator STEVENS. Governor, I think you have made quite a point about the problem of the fisheries that have reached the peril point of reproduction. That is where the Alaska situation is today.

My friends here think that I am joining you. We think you are joining us. We have been in favor of the 200-mile limit for many years, and having half the coastline of the United States off the shores of Alaska means this is a very important bill for us.

I wonder, from your experience, did you come across this fishing tactic that the foreign vessels use off the shores of Alaska called pulse fishing? Are you familiar with pulse fishing?

Governor SARGENT. Not too much.

Senator STEVENS. That is, locating stocks where the population is the greatest and then fishing them out and moving on without any concept of reproduction. This is really spelling the death knell to American fishing unless we find a way to stop pulse fishing and monofilament nets. In Alaska in one instance they slipped a 14-mile net to escape the Coast Guard. If we hadn't recovered that net, that net would have fished forever. It is nylon, monofilament net. It is a marauding vehicle of destruction as far as the fish species are concerned.

I am most pleased to hear you say that all New England is for this bill. I can assure you the west coast is, too, with one exception; that of California.

Governor SARGENT. Yes, I know that. I think the salmon fishermen of your State and of the entire North Pacific have seen, way before we did, really the urgency of having protection to 200 miles where the fish are—some of them are anadromous. It creates a very tricky problem.

Senator STEVENS. Your people have provided great guidance for the environmental movement of the country. I know you are very influential in the goal of trying to preserve the whales. What happened to the whales is nothing compared to the fish species of the world.

We have lost two species completely out of the Alaskan waters in the last 2 years. They are just gone. Unless something can be done, I think we will not have fish species left.

It is important to us to know that this center, which I think is the environmental center of the country, is really interested in this legislation.

I thank you very much.

Governor SARGENT. Thank you.

Senator PASTORE. We are honored to have Congressman Gerry Studds, 12th Congressional District, Massachusetts. We are happy and honored to have you. You have a statement. If you desire to read it, you may.

**STATEMENT OF HON. GERRY E. STUDDS, U.S. REPRESENTATIVE  
FROM THE 12TH CONGRESSIONAL DISTRICT OF MASSACHUSETTS**

Mr. Studds. Thank you very much, Senator Kennedy and Senator Stevens. With your permission I will submit the statement for the record.

I want to thank you for the leadership your chairman and the rest of the committee members have shown in this fight. I did testify before the Senate Commerce Committee in Washington on this legislation last December. Normally I would not ask for an opportunity to appear for a second time before the same committee on the same subject matter. I can assure you I would not schedule myself to fly into Boston and out again in the course of 2 hours unless it seemed we were dealing with a matter of urgency.

I cannot think of a more appropriate time or place except here in Boston with this committee to make a plea for urgent passage of this legislation.

As we were landing this morning we had a talkative pilot. He said, "Folks, I am going to put the wheels down now. Don't be worried because the noise is normal." The wheels went down and it was an impressive noise. He came back on and said "That's nothing to what it would have been had we forgotten to put them down."

It occurred to me if we passed this legislation, there will be noise. One of the objections of the administration is the complications of international diplomacy. I think we have to recognize the fact that it will take diplomacy to alert nations to why we are acting.

It seems to me if we do not risk that rather minimal and routine noise, we risk a far greater danger. That is what you have been talking about this morning and throughout the course of your hearings, the depletion of a major source of the world's protein.

I don't think it is appropriate for me to discuss the substance of the bill now. You are familiar with that. I have testified to that. Many people have. Many more will. We now have 77 cosponsors of this bill or identical legislation in the House. I know you have almost 2 dozen in the Senate. They are both Republicans and Democrats. They are from all over this nation.

It is not a plea—as you all know, we have a Senator from Alaska here, the other corner of the country—it is not a parochial plea of a single industry or single region. Far more than that, it is a plea not just to the fishermen from New Bedford or Alaska or California, but all people of the world. What we are risking losing now, if we do not act and act quickly, is not just a centuries-old industry and tradition in New England and other coastal regions of the country. It is a major source of protein for the people of the world.

I think we had best cast what we are trying to do in that light and cast it in that light very fast indeed. I think the complexity and broadness of the sponsorship in the Congress indicates this is increasingly well understood.

We are not fighting in a parochial way. What has brought me here to your hearings is something I don't know if the Governor had a chance to mention to you: National Marine Fisheries Service scientists have been talking as you probably read in the press about the probability of having to reduce the yellowtail flounder catch by 50 percent in the southern New England Region in the next few months.

Should that happen, the fishermen in southern New England will be faced with an insolvable dilemma. If they were to cut back by 50 percent, most of the fleet, for example, in New Bedford could no longer make a go of it.

Certainly the smaller boats are not equipped to make the trip to Georges Bank. A reduction of 50 percent in their catch would make it financially infeasible to continue.

If they ignore the warning of the scientists and proceed to fish, in very short order that will be the end of that fishery; and that in turn will be the end of the fishing industry entirely in this region of the country.

I will recall that in the 1960's Russians and others decimated the species of haddock. Haddock is virtually extinct as a commercial fish species. The New England fisheries switched from haddock to yellowtail flounder. The yellowtail flounder, if it goes the way of the haddock, we don't have any more marketable species to switch to.

It seems to me it is cruelly unfair for us to sit by and to allow the highly subsidized foreign fleets to move in, to use pulse fishing methods that Senator Stevens was referring to and others, to decimate a whole region of the world's oceans and then move on somewhere else.

Our fishermen cannot move on. First of all, it is unfair to our fishermen. Second, I think it is unfair to the American consumer. You may recall the days when if you couldn't afford meat, you ate fish. That is no longer the case, as you know.

I think perhaps in the most important sense it is brutally unfair to the people of this earth. If we do not act, we will be jeopardizing a very major source of protein not just for our people, but for all the people of the world.

There is starvation at this moment in the world. Americans are organizing themselves as usual to try to do something about it. It would be very inconsistent and very ironic if, while we were trying in our traditionally humane fashion to deal with people around the earth who were starving, if we let a major source of food from under our noses go.

I think the plea that I have to the committee is that we act. I welcome the hearings. I think you have had them all over the Nation now. We are just beginning them in the House.

I think that the Senate is going to take the lead on this. I would plead with you to do so. We are having, as you know, some friction in convincing all the members of the Committee on Merchant Marine and Fisheries in the House that this legislation is essential. It is essential right now.

I think if the Senate were to pass this bill, and do it very early in the next month or two, it would give us leverage to really begin to move it in the House.

I must say to you that again I appreciate the opportunity to appear a second time. I would not normally impose on the committee to do that if it did not seem to me that the timing was of the most urgency. The potential disappearance of the heart of the catch of the New England fishery, the yellowtail flounder, ought to be more than enough to get us moving and moving fast.

Senator PASTORE. Thank you very much, Congressman.

Mr. STUDDS. Thank you, sir.

Senator PASTORE. Our next witness—

Senator KENNEDY. Could I ask one question?

Senator PASTORE. Yes.

Senator KENNEDY. As the Congressman from New Bedford—and I think all of us recognize the extraordinary interest you have had in this legislation, Congressman Studds, I really have one question:

That is, as you know, there are strong conservation features of this legislation and enforcement features which will be applied, as I understand, equally across the board, and which will require, perhaps, American fishermen to meet some of these same standards which you have outlined here. Is it your impression from your conversations with the fishermen that they are prepared to meet those restrictions as well?

Mr. STUDDS. There is no doubt in my mind, Senator Kennedy. After all, it is in their interest preeminently that they should do so.

There is one thing important to point out: While we are in this legislation purporting to extend our fishing jurisdiction, it is not the intention of the bill to throw out all foreign fishermen. What we hope to do—and I think will be made clear—is to have the United States assert the right to set the rules: who will fish for how much, when, how, and under what conditions. And then to assign to our own fishermen the most they can catch within the maximum sustainable yield of the species.

Beyond that—and heaven only knows, given the tragic state and condition of our own fishing fleet—we do not have the capacity to take the sustainable yield; but assign all we can to our own fishermen, and beyond that a portion of the rest of the catch to foreign nations on the basis of historic fishing patterns.

It is not a chauvenistic, "throw the foreigners out altogether."  
Senator PASTORE. That is what section 2 does, gives the authority to the Secretary of the Treasury to do precisely what you have explained.

Mr. STUDDS. Exactly.

Senator STEVENS. Let me have 30 seconds with the Congressman, if I may.

I happen to represent many of your former constituents now.

Mr. STUDDS. A hundred years ago you represented a good many more.

Senator STEVENS. Yes. I am interested in your comment about 50-percent reduction in the yellowtail flounder.

I want everybody to understand we have had 100-percent reduction in Bristol Bay salmon.

This year there will be less than a thousand jobs. Even the native people will not be able to catch salmon this year for subsistence purposes.

Senator Kennedy went out with me one year and is familiar with that area. There is nothing else there. Your people might be able to at least drive into Boston and seek work. There are no roads from Bristol Bay. There are no jobs for them. The only thing they can survive on is fishing.

This year we have had to tell them they cannot fish at all and put them all on welfare. Please believe me, I understand the 50 percent. I hope people in this region understand what it means to have a 100-percent reduction where there used to be 40,000 jobs.

Mr. STUDDS. We have seen almost that experience as I indicated with the haddock. None of us want to see that happen where you have to take the children to the museum. We may find ourselves with the last remaining cod on the great seal of the Commonwealth of Massachusetts.

Again, I want to express my personal thanks for the efforts of the members of your committee are taking. We need you. When I say "we," I am not speaking for a few constituents. I think it is all the people that need it.

Senator PASTORE. Thank you very much.

[The statement follows:]

STATEMENT OF HON. GERRY D. STUDDS, A U.S. REPRESENTATIVE FROM MASSACHUSETTS

Mr. Chairman and Members of the Committee, I appreciate this opportunity to appear before you at the beginning of these important hearings in Massachusetts. As the main sponsor in the House of Representatives of legislation to extend U.S. fisheries jurisdiction to a total of 200 miles from our coastline on an interim basis pending an agreement at the Law of the Sea Conference, I testified before this Committee in Washington last December. My legislation in the House (H.R. 8665) is identical to S. 1988, and a total of 77 Members of the House are now either co-sponsoring my bill or have filed identical bills.

Rather than repeat a description of the proposed legislation, what I would like to do today is to emphasize the urgent need for it to be passed as quickly as possible. When Senator Magnuson and I filed this interim 200-mile limit legislation last June 13th, we knew that the voracious foreign fleets off our coasts were threatening the continued existence of the most important fish stocks. The situation today is even more critical.

Increased fishing activities of fleets from Russia and other countries practically destroyed the population of haddock in the 1960's, and fishermen who

depend on haddock for a living were forced to switch to yellow-tail flounder and other species. Now we are faced with a dramatic decrease in the population of yellow-tail flounder. Increasing numbers of press reports indicate that the flounder catch in southern New England may have to be reduced by as much as 50 percent to allow continuation of the species as a commercially viable fish stock in future years.

It is cruelly unfair for large, highly-subsidized foreign fleets to move in on a coastal fishery, overfish it to the point of destruction, and then move on to destroy another part of the world's ocean fish resources. It is unfair to the domestic coastal fishermen—such as those from New Bedford—whose vessels are not built to make long journeys to find fish far from shore, and who must simply stop fishing when the foreign fleets have cleaned out their part of the ocean. It is unfair to the American consumer, who will only be able to buy less desirable species of fish, while the most desirable species are being eaten in Moscow and Warsaw. And it is unfair to hungry people all over the world, who will have lost fish as a source of important protein if we continue to allow this destruction to continue.

More and more scientists are predicting that the world food crisis will only increase in severity. Right now, many people are starving to death in the Sahel region of Africa, Biafra, and other areas of the world. An international food conference is now in the planning stages, and concerned Americans are mounting efforts to ship food to regions stricken by drought and famine.

The fish off our coast—and off the coasts of other nations—are an important source of food, and are especially important to the world supply of protein. It is our duty as responsible members of the international community to take every possible action to insure that this important source of food continues to be available in future years.

Since the total world fish catch declined by eight percent in 1972, the United States must take firm action now to force Russia, Japan, and other nations to observe proper conservation measures in their fishing activities. Through our leadership we may be able to stop the destruction of world fish supplies in time.

We have waited too long to act to protect our fisheries. The time to act is now, and I urge your speedy consideration of this legislation. If we fail to act quickly, then the haddock, cod and flounder could become as extinct as the passenger pigeon.

Senator PASTORE. We will hear from Hugh O'Rourke, Thomas Norris and Jacob Dykstra.

**STATEMENT OF HUGH O'ROURKE, NEW ENGLAND FISHERIES STEERING COMMITTEE; ACCOMPANIED BY THOMAS NORRIS, OLD COLONY TRAWLER CORP.; AND JACOB J. DYKSTRA, PRESIDENT, POINT JUDITH FISHERMEN'S COOPERATIVE ASSOCIATION**

Mr. O'ROURKE. Mr. Chairman and members of the committee. I welcome the opportunity to appear before your committee favoring passage of S. 1988. To extend the United States Fisheries Contiguous Zone to 200 Nautical Miles."

My name is Hugh F. O'Rourke, president of the New England Fisheries Steering Committee, executive secretary of the Boston Fisheries Association, industry advisor for the International Commission of Northwest Atlantic Fisheries and chairman of the New England Fisheries and Conservation Committee.

The New England Fisheries Steering Committee was established in 1971 to act on matters pertinent to New England Fisheries relating to legislative and jurisdictional matters. Many members of the Steering Committee serve as industry advisors to the International Commission of Northwest Atlantic Fisheries. Serving in a dual capacity, they are aware of the tremendous inroads that have been made by foreign fishing vessels on the fishing stock in the Georges Bank area.

The Boston Fisheries Association has been spokesman for our local industry for more than 35 years.

During this period, a most formidable industry has seen a decline to a minimal operation due to the inability to catch sufficient product because of the overfishing practices by the 16 foreign nations decimating fishing stocks so that they are now on a quota distribution basis. These foreign fishing boats appeared en masse off the New England coast early in the 1960's with their full fleet which included factory ships, mother ships, supply boats and trawlers to begin their devastating pulse fishing activity. Their methods had a telling effect upon the fish landing at the Boston fish pier. For example, in 1961, 115 million pounds were landed; in 1965, 82 million pounds and in 1972, 22 million which is a severe blow to our local industry. Obviously, there are less fishing vessels, fewer processing plants, and a severe reduction in employment.

Our position in Boston is echoed by like situations in other New England ports with the overall New England catch declining from 574 million pounds in 1960, to approximately 370 million pounds in 1970, which indicates that the overall catch was reduced by one-half in a short period of 10 years. While this was taking place, imports of fishing products rose sharply with the value of imports reached in 1972 to \$1.476 million while the U.S. exports were worth \$160 million showing a deficit of balance of payments of \$1,307 million.

Today, better than 72 percent of the fish consumed in the United States is imported. Even though the New England fish catch has declined by approximately 50 percent, the overall consumption of fish has increased.

It is certainly incongruous that our haddock, flounder, and cod stock close to our shores finds its way to foreign ports and is returned to the U.S. market as import items.

The steady and increasing pressure by the 16 foreign nations fishing off New England shores has reduced the sustainable yield of haddock to such a minimum that certain areas have been closed for the past 4 years to fishing during the spawning season. From Georges Bank, which once accounted for 3 billion pounds of fish a year, 12.5 percent of the world's fish supply and 40 percent of the fish consumed in the United States, is now supplying less than one-half of the fish caught in 1960.

For many years, the New England fishing industry has requested that the State Department make every effort to reduce the heavy foreign fishing activity that had, and continues to harass the New England fisherman. Through media of the International Commission of Northwest Atlantic Fisheries, attempts were made to reduce the foreign fishing effort with little or no avail. In 1972, at the annual ICNAF meeting in Washington, D.C., the Under Secretary of Commerce, in his opening address, stressed the need to reduce the fishing effort, if Georges Banks were to survive. Even while Under Secretary Lynn was speaking, the foreigners had increased their fishing effort 30 percent.

In 1973 at the ICNAF meeting in Copenhagen, the U.S. State Department representatives told those attending, that a 30-percent reduction must be made in the overall catch if the New England fishermen were to survive. The sessions were long and involved and

on the closing day, with no agreement being reached, the U.S. advisors suggested withdrawal from ICNAF. Dr. Needler, the Canadian representative, optioned for a meeting to be held in Canada in the fall of 1973.

At the Ottawa meeting, agreement was reached that overall fishing be reduced 25 percent over a 3-year period which would attain a maximum sustainable yield of approximately 825,000 metric tons, and thereby properly balance the fishing stock. This reduction was accomplished by the U.S. State Department, who contended that the New England fishermen face extinction unless controls are sanctioned. The need for protective national and international legislation for the fisheries is evident. The reason for the influx of foreign fishing vessels off our shores is because they have decimated the fish stock off their native shores and must seek protein in distant waters. It is grossly unfair that our fishermen must bear this burden.

Time and again, members of the New England congressional delegation have fostered legislation to protect our fisheries with no success. Yet, in the past 2 years there appears to be a fisheries renaissance in the making, led by bills sponsored in the Senate by Senator Warren Magnuson of the State of Washington and co-sponsored in the House by Congressman Gerry Studds of Massachusetts, seeking interim legislation to protect our fisheries pending the outcome of the Law of the Sea Conference, which will take place in Caracas, Venezuela, on June 20, 1974. Passage of S. 1988 and H.R. 8665 is vitally important to the New England fishing industry.

Attention should be focused on the fact that the U.S. fishing industry is a private enterprise, where the majority of foreign fleets off the New England coast are government operated and financed.

Alaska and New England can claim the distinction of fostering legislation of a 200-mile fishing limit. For many years members of the New England fishing industry have appeared before congressional committees, advocating some form of legislation that would put a stop to the intrusion of the foreign fleets fishing off our shores. It is interesting to note that with the reduction of foreign fishing effort off New England, that Poles and Soviets have increased their activity on the west coast. Now the coastal States are seeking protection which obviously will be their with adoption of a 200-mile contiguous fishing zone.

Opposition to the 200-mile limit is vigorously voiced by the tuna and salmon industry. Recently, Richard Stroud of the Sports Fishing Institute testified that 64 percent of the product processed by west coast canners is received from Japan with a net value of approximately \$1 billion. This undoubtedly has a bearing on the tuna industry's decision regarding a 200-mile limit.

In the final analysis, our primary concern today relates to the consumer. We, in the industry, are deeply concerned with price structure over which there is no immediate control. Basically, when landings are high, prices are low; Conversely, when landings are low, prices are high. If we could exert a control over our fisheries, with proper management, we could strike an average price media that would be beneficial to the consumer.

The New England Fisheries Steering Committee and the Boston Fisheries Association advocate passage of S. 1988. No longer can we



depend upon 1793 territorial limit of 3 miles, or as far as a cannon can shoot, including a 9-mile contiguous fishing zone.

As a comparison, our defense system has kept pace with modern times, while our fishing territorial zones continue to relate to the colonial days. We must make every effort to revitalize America's first industry, fishing, which had its beginning by the Pilgrims along the Massachusetts shore. Thank you, Mr. Chairman.

Senator PASTORE. For the purposes of the record, Mr. O'Rourke, could you tell us what percentage of fish is consumed by the American public that has to be imported as against that which is domestically gathered?

Mr. O'Rourke. Well, I would say based on 100 percent, that 72 to 75 percent import fish, all we supply is 25 percent.

Senator PASTORE. Are there any questions of Mr. O'Rourke?

Senator KENNEDY. I just want to extend a warm word of welcome to Mr. O'Rourke. As you know, Mr. Chairman, and Senator Stevens and the rest of us know, he has regularly provided those of us in the Congress and the Senate with most valuable information about what has been happening out on the seas. He has been a tireless and constructive worker. He has attended these conferences around the world. He has, I think, been constructive as his organization has been in trying to reach a solution to this problem. I think the testimony he gives in this matter is enormously appreciated by the members of this committee. I just want to say it is appreciated as a representative of the State.

Senator PASTOR. In other words, Mr. O'Rourke is to Massachusetts what Jake Dykstra is to Rhode Island.

Mr. Norris?

Mr. NORRIS. Mr. Chairman, members of the committee, I welcome the opportunity to appear before your committee favoring passage of S. 1988 to extend the U.S. Fisheries contiguous zone to 200 nautical miles.

My name is Thomas A. Norris and I represent the New England Fishing Industry Advisors to the International Commission of the Northwest Atlantic Fisheries. I am also associated with F. J. O'Hara & Sons, Inc., a company operating six side trawlers in Rockland, Maine, and also operating one side trawler and one stern trawler in Boston. I am also vice president of the Old Colony Trawling Corp., and McCormack Trawling Corp., operating the two largest U.S. stern trawlers in Boston.

I cannot at this time be too emphatic about the necessity of the extension of the U.S. contiguous zone for fisheries to 200 nautical miles and the management by a U.S. commission of the fish resources in that area.

To regress a few years in the history of the industry, and to point out the start of the erosion of the U.S. fisheries by foreign fishing operations it is necessary to call attention to the fact that the foreign fleets started to operate in an exploratory manner in the sixties in what is known as the ICNAF area. These pilot ventures, we were told by the scientists, were concerned strictly with the taking of herring which at that time, were not being sought by our fleet.

It was not long before the foreign fleets started to increase in numbers and the reports from the captains of the U.S. trawlers were that they observed the taking of large quantities of haddock, cod and other demersal fish.

When we expressed concern about these reports to our government representatives, they continued to assure us that the main effort of the foreigners was herring. The foreign fleets continued to expand both in national involvement and unit effort and as each year passed their ships became more sophisticated in equipment and larger in size.

In 1965 the foreign fleet caught approximately 160,000 metric tons of haddock, completely wiping out the 1963 year class and making heavy inroads into other year classes of this species. This extremely high concentration of effort in haddock, by the Soviets, together with what was taken by other nations, caused such disastrous effects on the haddock that they never recovered.

As a result, each year in ICNAF, the haddock quota has been reduced until this year, 1974, we have a zero quota and no directed fishery on haddock is allowed.

Senator PASTORE. Let me ask a question at this point.

What is a comparative enforcement procedure as against an American who violates an agreement of ICNAF as against a foreign ship who comes in here and is not responsible to us and is being inspired and influenced by its own government to go out and get it?

Mr. NORRIS. If I understand you correctly, Senator, if they violate the closed areas, they are sighted by the Coast Guard who observe the violation. What action is taken by the flag nations that they belong to, we very rarely ever hear, but if they are caught by our people inside the contiguous zone of 12 miles—

Senator PASTORE. Then you are subject to action?

Mr. NORRIS. We do act—

Senator PASTORE. So those rules are made to be enforced against Americans and they are unenforceable against foreign ships? Isn't that what it amounts to?

Mr. NORRIS. That is the way I as an industry person would have to look at it. The foreign fleets have increased, to the extent that approximately 10 nations are now fishing in the U.S. ICNAF area. Concentration of ships including catcher trawlers, factory ships, command ships, supply, transport, and repair ships at times, turn the area at night into an awesome sight that simulates a large city with all the lights and movements.

Observations have counted as many as 300 or more ships operating in a given area.

The enforcement of the ICNAF rules by the U.S. Coast Guard and national marine fisheries officials poses a terrific problem with the few units assigned to them to operate with. However, with the resources at their disposal, I believe they are doing an excellent job.

Recently in January a Bulgarian was arrested inside the 12-mile contiguous zone off New Jersey. The captain was fined \$20,000 and the ship was fined \$105,000. In April a Rumanian trawler was arrested 7.5 miles inside the contiguous zone off North Carolina.

The Rumanian was fined \$100,000. Both of these fines, in my opinion, were minimal.

As the foreign fleets have increased in number and size, the domestic fleet has been greatly reduced through the attrition of age, lack of investment capital, and the drastic reduction of the resources on our coast. I am of the strong opinion that the turnaround in resource productivity brought by a 200-mile control would greatly attract investment capital again into the U.S. fisheries and make it the viable far-ranging industry it formerly was.

At the present time the fleets of Spain, U.S.S.R., Poland, Federal Republic of Germany, German Democratic Republic, Rumania, Bulgaria, Japan, and Italy are operating in the U.S. coastal area. The United Kingdom, Iceland, France and Denmark could, under the rules of ICNAF, start to operate in the area if their requirements so dictated. The foreign fleets engage in what is termed pulse fishing and concentrate on a particular species in an area until the school of fish is depleted.

They then move to another species and repeat the procedure taking at the same time incidental catches of restricted fish. All efforts to conserve the various species that are showing large declines in population are being negated by this incidental catch.

A trawler fishing for a certain species is allowed to take or have in possession 10 percent of a restricted species. With large catches of herring and mackerel by the foreign fleets the 10-percent allowance of other restricted species could be more and often is more than the directed fisheries of the U.S. fleet.

We believe that this is why the recovery of haddock or any other species cannot occur under the present system.

We are now being told by our scientists that the yellowtail flounder is being fished beyond its maximum sustainable yield, and the catch must be reduced by 50 percent. This will be a severe blow to the New Bedford, Boston and Gloucester fishing industry if this directive goes forward. Large concentrations of foreign trawlers fish in the yellowtail area for other species and we are convinced that their incidental catch of yellowtail is far greater than that taken by our domestic fleet.

As the fisheries resources has depleted there on the coast, some of the foreign fleets, being highly mobile, have moved to the west coast of the United States in search of other lucrative area.

The foreign fleets are highly mobile, capable of staying at sea for many months. The U.S. fleet due to our close proximity to the fishing grounds does not have to be as mobile and/or to have the freezing capacity of the foreigners. Ours is strictly a fresh fish producing industry.

The U.S.S.R., Poland, Germany, to name a few, have sent several ships to fish in the northeast Pacific and Alaskan waters in an exploratory venture. We now notice that the concept of 200 miles is being considered much more favorably by our west coast counterparts.

Many things occur to make the system of a U.S. fish producing operation in competition with the foreign fleets anything but a productive one. The trawler operator competing with large state-support fleets is now being caught in the inflationary cycle, what with

the tremendous increase in repair and maintenance costs, extremely high taxes on synthetic gear, FICA and unemployment taxes, insurance costs, which incidentally have risen to astronomical heights.

As an example of the last 3 weeks in the New England area the price of fish, if you can believe it with the cost spiral in effect, has been reduced approximately 50 percent to the trawler operator. This condition exists with absolutely no reduction to the consumer in the retail market.

Again I must strongly endorse the 200-mile concept and urge that immediate, I repeat, immediate passage of this control is necessary if the fish resources on our shores are to survive. The annual meeting of ICNAF in Copenhagen, Denmark, June 1973, attempted to reduce the effort in the coastal areas. No resolution was reached and a special meeting in Ottawa, Canada, in October 1973 resulted in a staggered reduction of the quota over a 3-year period.

In 1961 U.S. effort on the Continental Shelf was 94 percent. In 1972 it was 16 percent. From 1961 to 1972 the total catch by all nations was up 332 percent, and the effort was up 580 percent.

Every annual meeting of ICNAF shows a much bleaker picture with more and more species showing a decline, and now it is the yellowtail flounder, blue fin tuna, herring, mackerel, pollock, cod, you name it.

Our Government must take strong positive action to protect our resources and I am sure that we will get strong affirmative support from our neighbor to the north, Canada.

Senator PASTORE. Thank you for an excellent statement. Jake, do you want to say something before we ask question?

Mr. DYKSTRA. Thank you, Senator. In the interests of time, and because I have testified on this legislation before, with your permission I will just enter the statement and perhaps summarize a couple of points.

One thing I would like to mention is enforcement. A number of critics have said there is not enough provision concerning enforcement. I think that coastal fishermen would welcome any constructive suggestions in this area. However, the picture some people paint of once you had this 200-mile limit, millions of square miles to be patrolled, and patrol vessels out on a 200-mile perimeter, all this sort of thing, to me are just incorrect.

The problem that we have at the present time of enforcement is not this problem. The problem we have with enforcement is that we don't have the authority to do the things that we should do. We have the tools to enforce, and to enforce at much less expense, I believe, than we are doing right now if we were allowed to put the right equipment aboard these foreign vessels, to put inspectors aboard them, and to charge a fee so they would be paying for these services rather than have the U.S. taxpayer pay for them.

I just don't buy the argument that this is going to make a horrible enforcement problem. I think it will simplify the enforcement problem. The other point I would like to make is that we have a number of people who seem to persist in treating this bill as if it were a simple bill that says we are going to put a 200-mile fence out and that is it.

As has been pointed out here this morning, section after section of this bill deals with special treatment and for anadromous fish, special treatment for pelagic species, special arrangements with other countries, arrangements for fishing in our waters, arrangements for fishing in the waters of other nations.

I think that these are the very provisions that are being put forward in our position in the law of the sea negotiations. This is the kind of thing the U.S. Government is advocating. The thing that annoys me is people who talk blindly about 200 miles and don't see this. It has been pointed out that only about 10 nations now have this 200-mile limit. We would be going against the trend.

I don't think we are going against the trend at all. I think looking to these 10 nations is looking backward. I have been at the law of the sea meetings. I know that Canada, Mexico, and all the other countries in this hemisphere say that the ultimate solution that they see at the law of the sea meeting is 200 miles.

I think we should look forward and not backward. I think by passing this legislation we will be making a step in that direction.

Senator PASTORE. I would like to make a suggestion to my good friend Mr. O'Rourke, if I might. That is, if when you talk about opposition to the 200-mile limit, vigorously voiced by the tuna, would you mind putting canned in front of the salmon industry?

Any salmon fisherman I know has supported this bill. The canned salmon industry operating on some of the imported salmon they buy from the fishing fleets has opposed the bill. The other thing, to my good friend, Mr. Norris, I want you to know that is not a new discovery of fishing fleets off Alaska. I remember counting 100 vessels larger than 100 feet between Cold Bay and the Pribilofs. That is not very far. They were all fishing. There were many more than that. We just counted the ones over 200 feet as we were flying into the Pribilof Islands.

If you are sending us some of the Bulgarians and German Democratic Republic vessels, we hope you keep those. We are having trouble enough with what we have got already.

Senator PASTORE. Thank you very much, gentlemen.

[The statement follows:]

STATEMENT OF JACOB J. DYKSTRA, PRESIDENT JUDITH FISHERMEN'S  
COOPERATIVE ASSOCIATION, INC.

Thank you, Mr. Chairman, for the opportunity to appear before this Committee today.

I am Jacob J. Dykstra, President of the Point Judith Fishermen's Cooperative Association of Point Judith, Rhode Island. I have previously given testimony on S. 1988 and on companion bills before the Merchant Marine and Fisheries Committee of the U.S. House of Representatives. Copies of that testimony, which includes extensive appendices consisting of graphs and charts that illustrate the condition of the U.S. fishing industry and the extent of foreign fishing, are available here today.

Today I should like only to comment on a few specific points on which the testimonies of some witnesses at other hearings have, in my opinion, indicated some misunderstanding.

The first of these is the matter of enforcement. Critics have said that S. 1988 lacks sufficient provisions for enforcement. This is true, and we expect that these critics will come forward with suggestions for effective enforcement provisions which can be included in final legislation to be reported to Congress.

Other criticisms deal with the difficulty of enforcing 100 miles once this legislation is enacted into law. They point out that present surveillance of foreign fishing fleets is difficult and costly, and they conjure up a picture of thousands of Coast Guard vessels patrolling on endless fence 200 miles at sea. Actually, however, most of the presently exploited fishing grounds are less than 200 miles from shore. With U.S. fisheries management authority firmly established at S. 1988 proposed and with foreign fishing fleets correspondingly substantially reduced, it would be much simpler to monitor foreign fleets on various known fishing grounds.

The difficulty today is not that we can not locate foreign vessels—or our own vessels. For example, our own tuna fleet is now working under an arrangement by which every vessel in the fleet can be electronically be accurately positioned at any time. This system could be extended to foreign vessels if—if—we had the authority.

The Coast Guard has given us a figure of \$7500 a day to keep a cutter at sea. For three times this amount we could keep an enforcement agent on a foreign vessel at sea for a year if—again if—we had jurisdiction on the area in which the foreign vessel were fishing. With a foreign fleet of fewer vessels we could scatter enforcement agents throughout their fleets at a relatively small expense—an expense which the foreigners should bear—not the U.S. taxpayer.

I could go on with other examples of effective enforcement arrangements we could have but I simply wish to make the point that the problem with enforcement is not logistics and expenses of patrolling vast areas. The problem is that the foreign fleets are fishing in waters over which we have no management control. As long as our only rights are to board periodically under special treaties or courtesy arrangements and the foreigners cry harassment as soon as we conduct truly effective boardings, enforcement will continue to be ineffective. The effective management control S. 1988 provides would vastly simplify enforcement, not complicate or expand enforcement requirements.

Another point I should like to address is that of the provisions of this bill for fisheries other than our coastal fisheries. Section 4(a) extends United States jurisdiction over anadromous special. Section 4(a)(2) provides for fishing by foreign vessels in the expanded contiguous fishery zone. Sections 5 (1), (2), (3), and (4) deal with United States negotiations, treaties, and agreements with foreign governments that will provide for the rational utilization of fisheries. Section 5(c) provides for rational management of high seas pelagic fish through strengthening existing arrangements or creating new international organizations. Section 5(d) calls for the United States to seek agreements for U.S. fishermen to harvest an appropriate share of fish off other countries where fishermen of those countries are not harvesting the resources fully.

Are these provisions in S. 1988 not the very provisions the United States is seeking to have incorporated in the United Nations Law of the Sea Treaties? Have we not asked those representatives of U. S. distant water fisheries who claim these provisions are inadequate—to revise and strengthen them in their testimonies before this Committee? Blind opposition to an expanded fisheries management zone at this point in time is a dangerous course to follow.

I, too, as some of the other witnesses who have appeared before this Committee, have been a member of the delegation to the preparatory meetings for the United Nations Law of the Sea Conference. That today only ten nations claim a 200-mile fishing zone does not impress me. What does impress me is that the vast majority of the participants in the Conference—including Canada and Mexico and the other nations of this hemisphere—advocate a 200-mile resource zone which includes jurisdiction over fisheries. I think, as do more and more others involved in the Conference, that there can be no agreement among the nations at the Conference unless a 200-mile resource zone is part of the treaty.

We who represent coastal fisheries ask—as we have been asking for years—that this extended jurisdiction be applied to our fisheries now, not several years from now, if and when nations sign a treaty.

We are grateful that you, Mr. Chairman, and so many of your colleagues, advocate this position through your support for S. 1988, and we urge that this legislation be enacted into law as soon as possible.

Senator PASTORE. We are honored to have here Capt. Paul Lutz of the Coast Guard. I understand he is not ready to make a statement but is available to answer any questions.

The question here was raised as to the feasibility of enforcement in case we do institute a 200-mile limit.

**STATEMENTS OF CAPT. PAUL LUTZ AND COMMANDER PALMER,  
U.S. COAST GUARD**

Captain LUTZ. I think it would be quite important to distinguish the type of regulations which will be put into effect within that 200-mile limit before we could address the type of enforcement action we would go into.

It would be quite different if it was a question of just setting up a barrier patrol to exclude completely all foreign vessels and contrasted to a situation where we would be concerned with the detailed day-to-day operations within the area by many vessels.

Senator PASTORE. Yesterday in Providence we had the testimony on the part of a small fisherman. When I say small, he wasn't small in stature, but he was small in operation.

He told us his gear was completely destroyed by a Bulgarian ship that was over 250-feet long, and that he called the Coast Guard. Of course, that ship turned around and went out to sea.

Now, if it is out to sea, don't you lose jurisdiction over that ship, no matter what the violation was?

Captain LUTZ. Unless we had hot pursuit, yes, sir.

Senator PASTORE. Well, hot pursuit, it would have to be within your vision?

Captain LUTZ. Yes, sir.

Senator PASTORE. As I understand, he lost the vision because he had a small boat and this was a big trawler. Naturally he couldn't compete with that at all as to speed. We do run up against that proposition.

Captain LUTZ. Yes.

Senator PASTORE. But if we constituted, with proper guidelines, a 200-mile limit and provided the Coast Guard with sufficient facilities to patrol, can the job be done?

Captain LUTZ. I think without question it could be done, sir.

Senator PASTORE. Any question?

Senator STEVENS. May I ask: do you use fixed-wing patrol craft here?

Captain LUTZ. Yes, sir.

Senator STEVENS. It is possible to pinpoint all foreign vessels, isn't it?

Captain LUTZ. Yes, sir. We have approximately four flights a week doing just that.

Senator STEVENS. By identification of the photos, you can tell what the nationality is, can't you?

Captain LUTZ. We can, sir, and we do that.

Senator STEVENS. We are not really talking about putting out for one Coast Guard patrol vessels to keep up with all the foreign vessels; we could do it with aircraft, couldn't we?

Captain LUTZ. We have a great reliance at the present time on aircraft.

Senator STEVENS. As a matter of fact, I understand in the Commerce Committee today you are asking for 14 small jet patrol aircraft. Will you get some of those up here?

Captain LUTZ. If the commandant has that in mind, he hasn't told us.

Senator STEVENS. We hope you get them.

Senator PASTORE. That is a job for Senators Pastore and Kennedy.

Senator STEVENS. You get them for here and I will get them for up our way.

Senator KENNEDY. Captain, I have a letter here from a Captain Goodwin from Marblehead, Mass., 7 May. He said I am just writing as a followup on telephone calls to your office, being engaged in the offshore lobster fishery as a master and owner of my own vessel. I am on the verge of financial collapse due to fishing activities.

In two incidents this winter and spring I lost 163 lobster traps and gear that goes into the rigging of these traps. Both incidents are on detail with the Coast Guard.

March 15, 1974, Russian fishing vessels *Isof* and *Frigana*, went through my fixed gear. I lost 67 traps representing \$2,635, approximately 1600 hours on March 15, I called the Coast Guard and informed them that Russian vessels were destroying my gear. I requested assistance. No help of any kind arrived until 2:30, March 16, at which time I was in port due to adverse weather conditions.

I have been standing by on the international call and distress frequency 2182 waiting for a reply for request of aid. As of 1913, March 15, received no reply. Was baffled as to what the Coast Guard intended. The lack of protection on the part of the Coast Guard is putting me out of business.

Then he gives another instance where there was some response. I will make the whole letter a part of the record.<sup>1</sup>

Senator KENNEDY. How typical is that?

Captain LUTZ. I would like Commander Palmer, our law enforcement specialist, to answer that.

Commander PALMER. We have problems, where the vehicle is located in relation to the incident that came up.

Senator KENNEDY. Are you requesting for vessels from the Congress?

Commander PALMER. We normally have two vessels out there at any one time. One is usually in the vicinity of where a major concentration of a foreign fleet is or—looking at a new fishery, for example, on the squid fishery operated up in the mid-Atlantic.

At times we have a vessel spread apart, and on occasion they may be involved in a case and may not be able to respond right away.

Senator KENNEDY. Well, I have received, you know, complaints from different captains. This is a typical one. I am interested—what is the problem? Should we be getting more appropriations in order to enforce it, in order to have you do your job?

<sup>1</sup> See p. 852.



There is no sense in the Coast Guard taking a bum rap if you don't have the equipment and don't have the manpower and don't have the authorization by Congress.

If that is what you need, you ought to let us know. If it is something else, then we ought to know about that, too.

If we have these kinds of complaints, we want to know why the Coast Guard isn't, you know, following up or staying after these kinds of cases.

What can you tell us about it? How many of these kinds of calls do you get? You have one ship in the mid-Atlantic, the other one in some other location; you just can't respond because you don't have enough ships.

Captain Lutz. I think there is one element here that we are at a little disadvantage. The operational control for the offshore fisheries is not being exerted by our command. It is handled out of New York. We know sometimes that the cases—just incidentally, that the units out there happen to be ships that are home ported here. We may not be privy to all the circumstances.

With this particular letter, sir, we would be happy to reserve that and see what happens.

Senator KENNEDY. This is one. I am sure there are others. I am not sure I understand, but I am going to delay this hearing in terms of what your organizational structure is—that inhibits your being able to respond to this.

As I say, I think any of us who come from this part of the country are great believers in the Coast Guard. As someone who spends a good deal of the time on the sea myself, I think I have a healthy respect for the work and problems you fellows are facing.

I hear from fishermen time and again the wonderful work you do perform. There is no sense of you getting into situations such as this, if it is questions of manpower or additional ships, whatever you need.

You know, you should let us know. Senator Pastore is on the Commerce Committee and Senator Stevens on the Appropriations Committee, and others who are very interested in this. Perhaps we can give you help in assuring you get the manpower and ships that you need.

I'd appreciate it if you would followup on this. I want you to know personally I appreciate the work being done. I hope that we could make sure you fellows are getting the kind of materials you need in order to have you do the job; so we don't have this kind of situation.

Captain Lutz. Thank you very much.

Senator Pastore. The Captain Goodwin the Senator mentioned is a young man I spoke about earlier who testified in Providence. He made the same complaint. He iterated everything contained in that letter.

Have you out of your command ever made a request for more facilities of the commandant? I mean have you found yourself in a position where you just did not have enough facilities to exert the proper surveillance?

Captain Lutz. I think the answer to that is no, sir.

Senator PASTORE. If you don't state your problem, naturally they are not going to ask Congress; and it has to really initiate at the grass roots; and I would strongly suggest—I would strongly suggest—and I know that after all you are under superior command, and whether or not a request is made of the Office of Management and Budget, that is not primarily your responsibility. That has to be done by the commandant. We realize that.

We would hope that if you are deluged with these complaints of violations, and you just can't cope with it because you don't have sufficient planes or sufficient boats under your command, that at least you ought to make some indication.

Then, of course, if you are overruled, that won't be your fault. At least we would have a genesis for action, on our part and the Congress.

Captain LUTZ. To explain, Senator, the particular area where we are directly concerned is in the 12-mile limit. That is our responsibility.

Senator PASTORE. At the present time?

Captain LUTZ. At the present time. We feel that within the 12-mile limit that our surveillance is quite good. We have in addition to our own forces, of course, we have the excellent cooperation and concern of all the people here today from our own fishermen; and there are people along the shore who are looking out with binoculars every day. They give us reports. We immediately respond, either by air or by surface units.

We find, and feel, that this is being quite thoroughly covered because of this wonderful support by people outside the Coast Guard.

There are thousands of eyes that don't belong to us that are watching for this constantly.

Senator PASTORE. Thank you very much.

Senator STEVENS. Captain, Mr. Goodwin yesterday told us that he got on board a foreign vessel and examined their charts, and they had on those charts areas of American gear. Does the Coast Guard notify the foreign vessels where the American gear is located?

Captain LUTZ. Yes, sir, we do.

Senator STEVENS. Specifically?

Captain LUTZ. Yes, sir.

Senator STEVENS. I wonder if we need to give them such detail and cannot have a broader area of gear location so that they don't know specifically where it was and pulled it right out. Do we have to tell them where it is located?

Captain LUTZ. This was done as a measure to attempt to prevent the gear conflicts. This was done as a negotiated thing between ourselves and the foreigners. We feel it has been relatively successful. It has reduced considerably the number of conflicts which have occurred.

Senator STEVENS. You think it has been effective?

Captain LUTZ. We think it has been a good thing.

Senator STEVENS. About a year ago, at my request, because we only had one vessel north of the Aleutians in the North Pacific in the Bering Sea, the Coast Guard signed an agreement with the Navy

whereby the Navy would assist any time that the Coast Guard needed assistance.

That agreement is effective here on the east coast, too, is it?

Captain LUTZ. I am not familiar with that agreement, sir.

Senator STEVENS. You have never had occasion to call on the Navy for any help?

Captain LUTZ. No, sir. Of course, at this time, there are not a great number of units of Navy left.

Senator STEVENS. Thank you very much.

Senator KENNEDY. Is it your belief that the quotas are being observed by these foreign countries or not.

Captain LUTZ. Well, a value judgment from Commander Palmer would be better than my own.

Commander PALMER. In this case we would have to defer to someone else. We don't keep track of what quotas are being met by the fishermen in foreign nations.

Senator KENNEDY. Do they give a report? Can you tell us what you know from the report?

Commander PALMER. We get monthly reports or annual reports.

Senator KENNEDY. What is your impression from reviewing? I know we can get it from them.

Commander PALMER. My impression is they are keeping close to the quotas.

Senator PASTORE. Any further questions?

[No response.]

Thank you very much, gentlemen.

[The following information was subsequently received for the record.]

DEPARTMENT OF TRANSPORTATION,  
U.S. COAST GUARD,  
Boston, Mass., May 24, 1974.

HON. WARREN G. MAGNUSON,  
Chairman, Committee on Commerce,  
U.S. Senate,  
Washington, D.C.

DEAR MR. CHAIRMAN: On 14 May 1974 the Senate Committee on Commerce held hearings in Boston regarding S. 1988, "To Extend the United States Fisheries Contiguous Zone to 200 Nautical Miles."

During this hearing the Coast Guard spokesman indicated that the Committee would be provided the facts regarding a fishing gear conflict on 15 March 1974 that was discussed in Captain S. W. GOODWIN's letter of 7 May 1974 to Senator Edward M. Kennedy. The Operational Commander for the Coast Guard during this incident—Commander, Atlantic Area—has set down the chronology of this incident in his letter of 22 May 1974, which is enclosed.

Additionally, it is noted that during the hearing Senator Ted Stevens asked Guard District with the U. S. Navy, to arrange for Navy units to assist in Fisheries Law Enforcement. As the Coast Guard spokesman indicated, there the Coast Guard spokesman if there was an agreement in the First Coast is no local agreement between the First Coast Guard District and the Navy. However, for the record, it should be noted that there is a Department of Defense (DOD) and Department of Transportation (DOT) agreement concerning "Policy Regarding DOD Assistance in Support of Coast Guard Fisheries Enforcement Operations," which has general application.

With best wishes.

Sincerely,

H. S. PEARSON,  
Rear Admiral, U. S. Coast Guard,  
Commander, First Coast Guard District.

Enclosure.

DEPARTMENT OF TRANSPORTATION,  
U.S. COAST GUARD,  
New York, N.Y., May 22, 1974.

From: Commander, Atlantic Area.  
To: Commander, First Coast Guard District (dcs).  
Subject: L/B Queen Fixed Gear Conflict 15 March 1974.

1. Following are the facts of the L/B Queen fixed gear conflict of 15 March 1974 to be used in answering queries of the Senate Commerce Committee concerning subject incident.

2. At 1725Q on 15 March, Coast Guard Group Woods Hole received a call from the U. S. F/V Palumbo One, relaying for Queen who had a faulty radio, that several Soviet stern trawlers were approaching his gear in position 40-19N 69-42W. One was identified at the Arov (VV-0404) and one as the Fergana (LI-8128). An important note here is that Queen neither listens to fixed gear broadcasts nor reports the location of her fixed gear to CCGDONE for inclusion in the daily broadcasts. Had Queen been regularly reporting her gear locations, this problem might have been averted.

3. CGC Decisive, on Offshore Fisheries Patrol, was diverted by Commander, Atlantic Area to the scene of the incident at 2009Q, arriving on scene at 0130Q on 16 March. While enroute, Decisive was unable to establish communications with the Queen to get further information on the gear conflict.

4. Upon reaching the scene, Decisive sighted a concentration of approximately 45 foreign fishing vessels apparently drifting and continued attempts to contact Queen or Palumbo One with no success. (It was later learned through shoreside investigation that Queen had departed the scene for home-port on 15 March).

5. At first light on 16 March, Decisive boarded the Soviet trawler Azov and found no evidence of lobster or fixed gear aboard. Fergana was later signed with no evidence of lobster or fixed gear on her decks. Decisive was then secured from the case by Commander, Atlantic Area.

R. E. LENCZYK,  
*By direction.*

Senator PASTORE. We have a Michael Dukakis here?

#### STATEMENT OF MICHAEL DUKAKIS

Mr. DUKAKIS. Thank you very much for permitting me to speak before you. I want to take this opportunity to add my voice to the bills before you which would extend the fisheries zone 200 miles. I don't want to take the time to repeat all the arguments made before you already. I would like to add one word about the possibilities of international agreement.

I think in the last analysis, all of us would prefer that some kind of solution be fashioned by the nations of this world for this problem.

I would like to add a personal note. As the former moderator of the reasonably well-known "National Affairs" public television show, we spent an entire show on this particular issue and spent a great deal of time with it.

Incidentally, Senator Stevens, we did it on the west coast.

Senator STEVENS. Governor Hickel was there then?

Mr. DUKAKIS. Yes, he was.

We talked about tuna as opposed to the species of the east coast. The east coaster was educated by Governor Hickel and others.

The distinct impression I had, after studying and listening and moderating the show, was the fastest and most effective way to achieve a sound international agreement was for the United States to force it by extending its own limit. Unless the United States took this action,

other nations around the world simply would not begin to look at this problem seriously and begin to direct their attention to a permanent monitoring solution. So that rather than this being a kind of shortsighted and nationalistic and unilateral move, I would like to suggest to you this morning that maybe the best thing the United States could do to force the international agreement that I think we all believe we need, is to take this step and then and perhaps only then will other nations in the international community begin to address themselves seriously to the kind of international agreement which I believe all of us would like to see.

Senator PASTORE. I agree with you 100 percent. Sometimes, and most often, other people don't understand our problems. They have an idea we are the richest nation in the world, that we can undergo any suffering; we can undergo any hardship and for some reason, it will not hurt us. They don't stop to realize we have here in America about 30 million people living on the edge of poverty. We have unemployment that is higher sometimes in our country than other foreign countries. The balance of payments, and the balance of trade, and all these matters.

I have said time and time again, and I think I will say it again—it's become a cliché—we have an Asian desk in the State Department, a European desk, an African desk; it's about time we had an American desk in the State Department to protect the American interests. That is the trouble with us. We get to these negotiations and we think just because we come home with a piece of paper, that we have scored a victory. Many times, if you read between the lines, we are picking

Mr. DUKAKIS. I agree with you, Senator.

I would like to conclude by saying this may be one of those cases where by taking unilateral action, we may well move the timetable for a suitable international agreement ahead by making it clear to the rest of the world that it is time to act on this in a sound multilateral fashion.

Thank you very much.

Senator PASTORE. Any questions?

Senator KENNEDY. Mike, what was the reaction on the Advocates show?

Mr. DUKAKIS. We had a policy which solidly favored the extension of the limit. We always used to try to screen out lobbied efforts; and we kind of had the feeling that somebody was out there sending those letters and postcards in. It was overwhelmingly in favor of the extension. I think we had some fishermen out there sending us a lot of postcards.

Senator PASTORE. We in Congress understand these organized campaigns.

Senator STEVENS. You are absolutely right. I recall that program. You are right about taking the action to demonstrate the need for an international agreement. You know, Iceland did the same thing with the 12-mile limit. People forget that. Now they have won the cod war. Now maybe we can win the haddock/halibut war.

Senator PASTORE. I tell you one thing, if Boston schrod goes, we are in trouble.

Thank you very much.

Is Mr. Quinn here, the Attorney General?

[No response.]

Senator PASTORE. Salvatore Favazza?

**STATEMENT OF SALVATORE J. FAVAZZA, EXECUTIVE  
SECRETARY, GLOUCESTER FISHERIES COMMISSION**

Mr. FAVAZZA. Mr. Chairman, members of the committee, I am Salvatore Favazza. I am the executive secretary of the Gloucester Fisheries Commission of Gloucester, Massachusetts, which is an arm of the municipal government. We were founded in 1623. We are the premier fishing port in the United States.

For the past 8 years I have been a member of the Industry Advisory Committee to the United States Commissioners to the International Commission for the Northwest Atlantic Fisheries, and I have served in the past as a commissioner on the Atlantic States Marine Fisheries Commission.

I wish to be recorded in favor of the United States extension of its fishery contiguous zone to 200 miles, and especially urge your favorable report on S. 1988, the "Interim Fisheries Zone Extension and Management Act."

At this point, I would like to insert into my statement the endorsement of the Gloucester Fisheries Commission.

[The document follows.]

**THE GLOUCESTER FISHERIES COMMISSION**

Upon the petition of the city of Gloucester, in 1956, the legislature of the Commonwealth of Massachusetts created the Gloucester Fisheries Commission to aid the local fisheries. It is the only municipal fisheries commission in Massachusetts.

The Gloucester Fisheries Commission is a body politic and a public instrumentality sponsored by the City of Gloucester. The Commission is composed of the mayor and twelve persons appointed by him, of whom two are members of the City Council and at least five are connected with the production, processing or employment phases of the industry. In addition, the city employs an executive secretary for the Commission.

The Gloucester Fisheries Commission is empowered to investigate, advocate and recommend measures for the promotion, preservation and protection of the Gloucester fishing industry. It has been active in city, state, national and international fishery affairs sponsoring and advising on legislation and regulations relating to fisheries.

Mr. FAVAZZA. Ten years ago, the Gloucester Fisheries Commission by formal vote put itself on record as favoring a United States 200-mile limit. Since then because of continued unbridled massive foreign fishing effort we have seen our haddock catch reduced to 2 percent of what it was, our herring stocks reduced to 10 percent of what they were, and our yellowtail flounder stocks on the same road to depletion. Many other species will soon follow this fatal road unless we take

immediate extended jurisdiction without having to wait the several years necessary for implementation of a Law of the Sea agreement.

Senator Stevens, you mentioned pulse fishing. I wish I had brought to this hearing a chart I developed concerning subarea five of the ICNAF agreement. As one speaker previously stated, 1963 year class of haddock was a tremendous year class. Up until that point, the American fishermen, for all practical purposes, were the only ones fishing haddock at a rate of about 100 million pounds a year, which to the minds of our scientists, was the maximum sustainable yield.

The Soviets at that time were not interested in haddock, but that 1963 year class was so good that in 1965, and 1966, they harvested twice as much as the American fleet harvested, not because they were particularly interested in haddock, but simply there was a lot of it there, pulse fishing.

As a result, we now find—and I wish I had that graph, because it is very graphic.

Senator PASTORE. Do you have a copy of that graph?

Mr. FAVAZZA. I would certainly make one.

Senator PASTORE. Would you send us one?

Mr. FAVAZZA. Yes.

Senator PASTORE. We would like to have it.

[The following information was subsequently received for the record:]

CITY OF GLOUCESTER FISHERIES COMMISSION,  
*Gloucester, Mass., May 17, 1974.*

Senator JOHN O. PASTORE,  
*U.S. Senate,  
Washington, D.C.*

DEAR SENATOR PASTORE: As the Senate Commerce Committee hearing on S. 1988 in Boston on May 14, 1974, you asked me to send you a copy of the graph to which I referred. I am enclosing it with this letter. Please accept it and this letter as a part of the record.

This graph is an excellent depiction of indiscriminate pulse fishing by foreign nations off our shores. It tells the sad story of the demise of the American haddock.

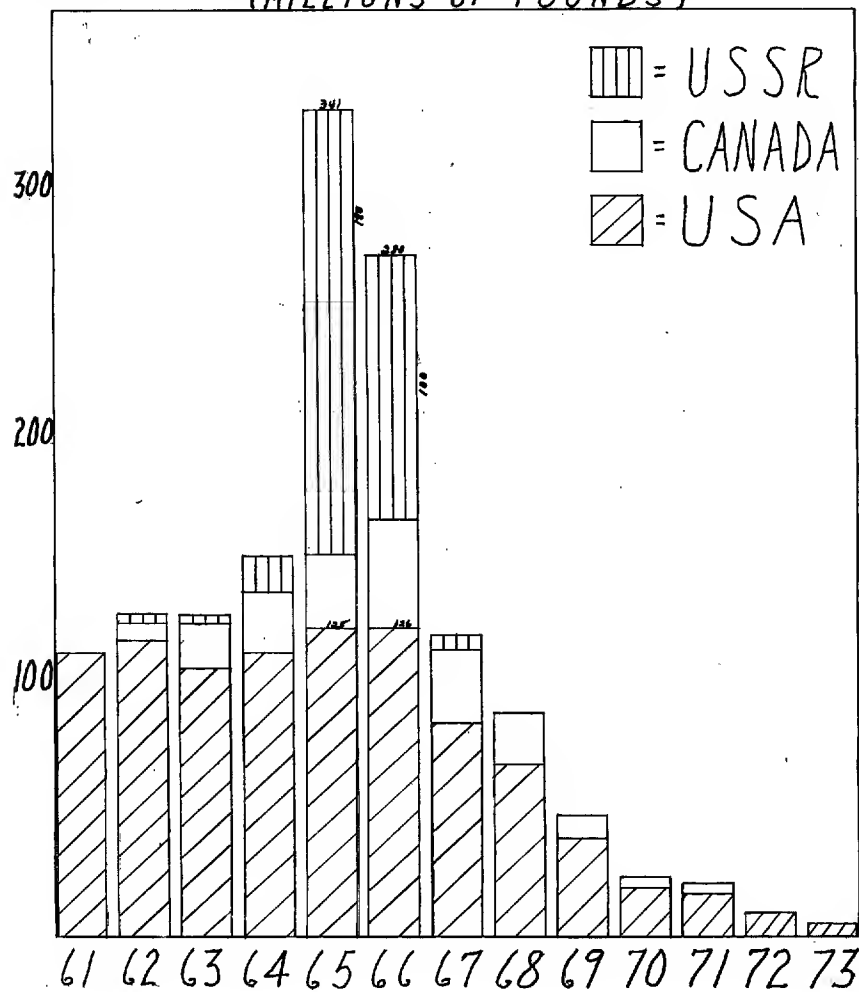
For many years the haddock fishery in Georges Bank was virtually an exclusive American fishery with harvests of about 100,000,000 lbs. annually. This rate of catch was adjudged by the scientists to be at the maximum sustainable yield. A good 1963 spawning class became commercially available in 1954 and the Soviets suddenly fished it unmercifully for two years. After clobbering most of the haddock stock they turned to other fisheries leaving the U. S. fisherman with the remains.

The graph depicts the resulting steady decline in the American catch due to the Soviet slaughter. In 1973 the catch was only about 2% of the 1965 catch.

Very truly yours,

SALVATORE J. FAVAZZA,  
*Executive Secretary.*

ICNAF SUBAREA 5 - HADDOCK CATCH  
(MILLIONS OF POUNDS)





Mr. FAVAZZA. I have witnessed the ineffectiveness of ICNAF over the past 8 years from my position on the U.S. Industry Advisory Committee. The conclusion I have reached is our coastal stocks cannot be effectively managed by an international commission, such as ICNAF. The two coastal States, the U.S. and Canada, are primarily concerned with the conservation of these stocks since their vessels are small and therefore have no other fishing ground available to them. On the other hand, the other 14 ICNAF nations fishing our waters emphasize economic considerations since their mobile fleets can turn to other fishing grounds after ours are depleted.

Senator Kennedy, you mentioned the possibility of whether or not the foreign nations are exceeding their quotas. I think it might go beyond that, sir. I think the fact of the matter is in negotiations, the scientists are ignored as to their recommendations, as to what is the maximum sustainable yield, and because of those negotiations, the economic considerations of the foreign states are such that we end up with a total allowable catch larger than what it should be in the first place. In Ottawa, our scientists said we should catch something like 900,000 tons. We ended up with an agreement that was beyond 900,000 tons.

So you see, it is just a question of their economic considerations outweighing our conservation approach.

For this reason—

Senator PASTORE. And who does the negotiating? A member of the State Department?

Mr. FAVAZZA. There is a member of the State Department.

Senator PASTORE. That figures.

Mr. FAVAZZA. And also the Department of Commerce.

For this reason, the only practical way to properly manage and conserve coastal stocks of fish is to place the management responsibility entirely in the hands of the coastal State. That State is in the best position to study the resource and police the fishing effort, and that State stands to gain the most from the viability of the resource or lose the most from its decline. Even our Federal administrators who 10 years ago opposed the 12-mile limit which has since been adopted, now accept the principle of coastal State management of coastal stocks.

S. 1988, except for its unilateral application which is absolutely necessary to save our fisheries, is not that far from the current Administration's so-called "species approach." It allows for the host State's jurisdiction over anadromous fish wherever they may range, and it recognizes the need for international conservation organizations to regulate highly migratory oceanic species.

It differs only in its limitation of jurisdiction of coastal species to 200 miles, whereas the Administration's position is that jurisdiction of coastal species applies to the limits of their range. Such relatively minor differences should be easily resolved and should not unduly delay the enactment of vital extended fisheries jurisdiction legislation.

Finally, I must caution against a new approach that has recently surfaced calling for United States interim jurisdiction over only those coastal species scientifically adjudged as "overfished." This

"overfished species approach," which amounts to locking the barn door after the horse has been stolen, must be recognized for what it is—a worthless management tool of no value whatsoever to the American fisherman.

The American fisherman needs extended jurisdiction over all coastal species to survive, and to be effective as it has to be implemented now.

Thank you.

Senator PASTORE. Thank you very much.

Senator KENNEDY. I want to join in welcoming you. Maybe just in about a minute and a half or so you can tell us, Senator Pastore, and Senator Stevens, what has happened in Gloucester in terms of the change in the industry up there in very recent times. It's about as moving an indictment of what the realities are in the fishing industry as we could possibly have.

Mr. FAVAZZA. Yes, Senator.

The fact of the matter is, although the city of Boston has been the center of the marketing of ground fish, haddock, especially, over the past years, much of the haddock landed in Gloucester—in Boston, was by Gloucester vessels.

As a matter of fact, if one took all the haddock landed in Gloucester, and added them to the haddock landed in Boston, it would be the Gloucester fleet that caught most of the haddock.

We have had to diversify into other species in order to survive. If we had to depend on what we fished for 10 years ago, we would be simply down the drain. We would not be a viable industry today.

Senator KENNEDY. What about the imports in terms of the industry itself?

Mr. FAVAZZA. Well, the imports into Gloucester of fish, I was looking at the figures only a few days ago—amounted to, in the year 1973, 369 million pounds. The landings by the fleet were 129 million pounds.

Now, you have also got to remember that the imports are generally not of whole fish. They are fillets of rocks, clear meat, so you would probably have to triple the amount of landings of imports which would bring you about to 1 billion pounds to compare it with the 129 million pounds of fish caught by the domestic fleet; almost 10 times as much imported.

Senator KENNEDY. Thank you very much.

Mr. FAVAZZA. You are welcome.

Senator STEVENS. Thank you.

I remember driving down there right after World War II, when the Gloucester people began rebuilding after World War II. It's a beautiful area.

Mr. FAVAZZA. Then we had over 200 fishing vessels. We have less than 100 at the present time as a result of foreign fishing effort off our coast.

Senator PASTORE. Thank you very much, Mr. Favazza.

We have Mr. Chris Weld, and Hal Lyman, Are they here?

Senator KENNEDY. Mr. Chairman, Mr. Weld was a classmate of mine. I hope you won't hold that against him.

Senator PASTORE. If he is brief, I won't.  
Senator KENNEDY. Chris, nice to see you.  
Senator PASTORE. You may proceed.

**STATEMENT OF CHRISTOPHER M. WELD, NATIONAL COALITION  
FOR MARINE CONSERVATION; ACCOMPANIED BY HAL LYMAN,  
SPORTS FISHERMAN**

Mr. Chairman and members of the committee, my name is Christopher M. Weld, and I am secretary of the National Coalition for Marine Conservation, Inc., a nonprofit conservation organization having its principal office in Washington, D.C. The coalition is a recently formed organization uniting sports and commercial fishermen across the Nation in the interest of conserving the living resources of the sea. The rapid growth of the coalition's membership is eloquent testimony of the awareness of sports and commercial fishermen of the dangers threatening food and gamefish stocks. They recognize that overexploitation of coastal stocks by foreign fishing fleets is by far the most immediate and severest of such dangers.

By now, this committee is familiar with the tragic story of the New England fisheries. Natural resources have been depleted to the point that the possibility of restoring their total productivity is the subject of serious concern among fisheries scientists. The resulting economic hardship to the people dependent upon those fisheries for their livelihood is also known to this committee.

The long-term decline in revenues has meant that insufficient funds were available for the purchase of new gear and the replacement of old vessels. Few new boats have been built in recent years, and many older ones have been lost or retired. Every year a smaller fleet of older boats with increasingly obsolescent gear goes to sea to compete with an ever-larger armada of foreign factory trawlers in waters where the number of harvestable fish is shrinking at an alarming rate.

On Georges Bank, one of the world's most prolific fishing grounds, which until the late 1950's was fished solely by Americans and Canadians, the U.S. share of the catch has steadily declined. In 1963 it was 41.6 percent. By 1972 it had dropped to a mere 9.6 percent of the total. On account of an enormous increase in effort and a change in objectives and techniques during the same period, the total catch from the Georges Bank area increased from 415,388 tons in 1963 to 736,911 tons in 1972. It is worth noting that within the same period, the total haddock catch declined from a high of 150,362 tons in 1965 to 5,719 tons in 1972.

Consumption of fish products has continually outstripped the shrinking domestic catch, with the result that 66 percent of the seafood consumed in America in 1972 was imported, contributing a deficit item of \$1.35 billion to U.S. balance of payments. Importation of seafood from foreign sellers is a big business that is growing bigger every year. Despite rising imports, however, many varieties of table fish traditionally favored by Americans are in short supply, due to dwindling stocks and small catches. Consequently, the price

of such fish, when available, it too high to offer the housewife a real alternative to costly meats, thereby contributing to, instead of retarding, current inflationary supply-demand imbalances.

What has already happened to the New England fishing industry is in the process of being repeated elsewhere. The last few years have witnessed a swift decline in the west coast landings of all of the important commercially-harvested coastal species. The recent appearance and rapid build-up of foreign fleets off the coast of the Carolinas, and increased foreign fishing efforts on the edge of the continental shelf in the Gulf of Mexico indicate the development of further troubles in those areas.

There are no precise figures concerning the total value of our coastal, commercial and sportfishing industries. According to National Marine Fisheries Service statistics, the total dollar value in 1972 of fish caught within 200 miles of the U.S. coastline was \$609,777,000. The retail value, of course, was much higher. The U.S. Bureau of the Census estimates that the 1970 sportfishing catch was 788,411 tons, which, at 25 cents a pound, would have a value of about \$394,205,000. By themselves, these figures would qualify our coastal fisheries as \$1 billion industry. However, these figures do not take into account the billions of dollars expended annually by sports and commercial fishermen on boats, gear, equipment, fuel, and services. Nor do they take into account the social values involved.

The problem, then, is by no means restricted to New England; it is shared by every State having salt water commercial or sports fisheries. Similarly, the economic impact of overexploitation of coastal fisheries is not limited to the coastal States; it is spread over every part of this country where seafood is offered for sale for consumption by man or animal. Commerce Department statistics tell us that the average American consumed 12.6 pounds of seafood per capita in 1973. Less generally recognized is the fact that in addition to what we eat, we use another 50 to 80 pounds of fish products per capita per annum for pet and poultry feed and other purposes. In short, it is a national pocketbook issue.

Our coastal fishermen cannot compete with distant water fleets on an unrestricted basis, and unless they are permitted a greater share of the catch, our coastal fishing industry will be destroyed within a few years. Moreover, and at least as important, the coastal fisheries cannot continue to be overexploited at present levels without serious biological impairment of the productivity of fish stocks.

Because many of the species depleted by destructive foreign fishing practices are prized by sportfishermen as gamefish or important food for gamefish, salt water sportfishermen share a direct concern with commercial fishermen in the establishment of a 200-mile fisheries management zone. Sportfishermen are well aware that substantial reduction of essential gamefish food stocks, such as mackerel or herring, for example, will have a bearing on the availability of marlin, tuna and swordfish. Other commercially important species such as flounder and cod are also highly prized by anglers. Near-shore populations of these fish are affected by overexploitation off-shore.

The National Coalition regards S. 1988 as the most rational solution to the fisheries problems facing the United States today. We are aware that there is deep-seated aversion toward unilateral action of any kind in some quarters, but we believe that none of the available multilateral alternatives offer an adequate solution to U.S. fisheries problems within a meaningful period of time.

Today's fisheries crises have developed during the period of existence of the major fisheries treaties. Regulatory bodies created by international agreement such as The International Commission for the Northwest Atlantic Fisheries (ICNAF) have had no appreciable effect upon declining resources. Recent loudly-applauded agreements concerning drastic quota reductions in ICNAF areas are regarded with grave skepticism by ICNAF critics. In the first place, such agreements were achieved largely as a result of threatened United States withdrawal from ICNAF and on account of the pendency of 200-mile limit legislation. In the second place, there is a history of nonenforcement and a lack of enforcement capability, and finally, in view of the enforcement situation, there is no cause to believe that the intention to comply with quota restrictions is universal among ICNAF participants.

Unless you have been to Georges Bank, you can have little idea of the magnitude of the enforcement problems that quota regulation entails. Returning from the Northeast peak on the night of September 9 last year, I came upon a gathering of ships in the Cultivator Shoal area. It took 4 hours at 12 knots to steam through this fleet, during which time the sky was lit up like a city street, and there were never less than 30 targets on the radar screen, all of them too large to be American boats. In other words, in an area of about 5 by 50 miles, there were several hundred vessels. Yet the Enforcement and Surveillance Flight conducted by the Coast Guard just 2 days earlier reported a total of 12 foreign vessels in the normal search area. This example is not cited as a criticism of the Coast Guard, but to demonstrate the difficulty of covering the large areas involved with the equipment and resources available.

The forthcoming Law of the Seas Conference is frequently referred to as the best solution to America's fishing problems. The National Coalition rejects this assertion. The failure of all preparatory subcommittees to come to agreement with respect to procedural matters demonstrates the unlikelihood that any agreement on substantive matters will be reached at the Law of the Seas Conference.

In 1930, 1958 and 1960, the world community gathered to resolve questions concerning the widths of the territorial sea and exclusive fishing zones. Each of these efforts failed, because the questions were not ripe for codification. Practice among nations with respect to seaward claims of jurisdiction is more diverse today than it was in 1960. Today, the trend is toward the 200-mile limit, not away from it.

Why, therefore, is there so much resistance to S. 1988 in our State Department? Critics of U.S. policy tend to believe that it is controlled by a small group of southern California tuna and Gulf shrimp interests, and this view is borne out by the history of our relations with Peru, Chile, Ecuador and other Latin American nations claiming 200-mile jurisdictions.

The tuna fleet is directly threatened by the 200 mile doctrine because 200-mile exclusive fisheries jurisdiction empowers the coastal nation claiming it to impose a tax on the tuna fleet which would impair its ability to compete in the world market. It is understandable, therefore, that tunaboat owners and the tuna canning industry (which indirectly controls roughly half of the U.S. tuna fleet) have fought vigorously against the 200-mile limit. And they have been vigorously supported by fishermen's and cannery workers' unions. It should be pointed out, however, that our offshore fishermen account for only 20 percent of the total dollar value of fish landed and employ less than 2 percent of all U.S. commercial fishermen.

Opponents of S. 1988 often rely upon legal arguments. The law of the sea, however, more than the law of the land is uncertain much of the time and in a process of development most of the time. It is certain only that S. 1988 is soundly grounded upon legal precedent.

To cite a few, at the beginning of this century, there was the Fur Seals Act pursuant to which the United States, relying upon the Monroe Doctrine for its authority, claimed jurisdiction over seals in the Bering Sea. The Anti Smuggling Act of 1935 involved a seaward reach of 62 miles. The 1945 Truman proclamation on the continental shelf annexed the subsoil and seabed of the continental shelf to the United States. In a second proclamation, President Truman articulated a policy supporting the extension of fisheries jurisdiction by coastal nations. Mexico was quick to follow this lead, claiming jurisdiction over its continental shelf and the fisheries in superadjacent waters, and the United States granted recognition to the Mexican claim in 1946. In 1951 the International Court of Justice in the *Anglo-Norwegian Fisheries* case came down on the side of reasonable extensions of jurisdiction. In 1956 the Inter-American Council of Jurists, the legal organ of the Organization of American States approved the "Principles of Mexico," a doctrine concerning the right of individual states to extend jurisdiction. The Bartlett Act of 1964 claimed exclusive U.S. jurisdiction over sedentary fishes on or within the continental shelf, and the act of October 14, 1966 unilaterally extended America's exclusive fishery jurisdiction to 12 miles. In each case, the necessity to protect natural resources, the special interest of a coastal state or the right of self protection were cited as justification for the particular act.

I understand that the suggestion has been made before this committee that in the interest of world opinion, the United States should follow the guidelines for unilateral action provided by Article 7 of the 1958 Convention of Fishing and Conservation of Living Resources. This proposal argues that contractual obligations arising out of the 1960 Convention on the Continental Shelf (to which some of the principal fishing nations are parties) add a measure of authority to the provisions of the Convention on Conservation (to which none of the principal fishing nations are parties); and, therefore, that compliance with the terms of the Convention on Conservation would lend a coloration of moral rectitude to unilateral action by the United States.

The National coalition disagrees with the necessity for such cosmetic maneuverings, and we reject the legal and logical reasoning involved. Despite dire predictions to the contrary, again mostly by tuna and shrimp interests, world opinion was silent when the United States extended jurisdiction to 12 miles in 1966, and in view of current developments, it is likely to be silent concerning a 200-mile extension. This is a delaying tactic invented by the shrimp and tuna industries to serve their own interests at the expense of the national interest. As a practical matter, further indefinite delay in the imposition of effective conservation means additional damages to our coastal fisheries, which the Nation can ill afford.

It is well known that the 1950 and 1960 U.N. Law of the Seas Conferences failed in their efforts to reach agreement on territorial sea and fisheries limits. Neither the Fishing and Conservation Convention nor the High Seas Convention became law; they impose little obligation on those nations which signed them and less upon those that did not. In fact, there is no generally accepted rule of international law regarding permissible breadth of fisheries limits or prohibiting the unilateral extension of fisheries limits.

Some opponents of S. 1988 are trying to cast the issue of fisheries jurisdiction in the context of freedom of seas; however, the right of free passage should not be confused with the concept of unrestricted fishing. So far as it relates to fishing, it is generally accepted that the doctrine of freedom of the seas is modified by preferential rights of coastal states to preserve the productivity of the fisheries in coastal waters.

The National Coalition regards S. 1988 as a legitimate exercise of such preferential rights and believes that it serves the interests of the international community as a whole. The Coalition holds that our coastal fisheries are essential to the national well-being and that continued unrestricted fishing of coastal stocks constitutes a clear and present danger to the national welfare. The Coalition urges the prompt adoption of S. 1988.

Thank you for the opportunity and privilege to present these views on this important issue.

Senator PASTOR. Thank you very, very much, Mr. Weld.

Mr. Lyman, do you want to add anything?

Mr. LYMAN. Yes, Mr. Chairman, if I may.

My name is Henry Lyman, known also as Hal Lyman, which is the name under which I write.

I am publisher of Salt Water Sportsman magazine, a national periodical devoted to rod and reel angling throughout the country. I also serve on a variety of commissions and committees in the fisheries area.

I would like to bring in a few figures this morning which have not been mentioned previously. Obviously I cannot speak for the—all the subscribers to the magazine, but I can say one thing for sure.

Since this concept of the 200-mile fisheries limit has come up, I have received telephone calls, telegrams, countless letters, personal talks for—with our readers, and there has not been on single voice in opposition to this concept. They were all in favor of it.

I would like to point out when you consider the independence and spirit and the general cussedness of the marine angler, this is kind of a record in itself, to have them all agreeing on one point.

The sport fishing industry—and I use the word advisedly—is a large one. In the 1970 National Survey of Fishing and Hunting conducted by the U.S. Department of the Interior, it was found there were approximately 9,460,000 salt water anglers, 12 years of age or older, who fished regularly each year during that year.

In 1970, they spent, directly on their sport—this is not indirect—approximately \$1,224,750,000.

These figures are impressive, but I think the thing that is even more impressive is the fact that the number of individual anglers between 1965 and 1970 increased by 14 percent and is increasing at that same rate. The average expenditures of those anglers—that is the average expenditure—increased in the same 5-year period by 34 percent.

This means that there are roughly 10½ million marine anglers in the United States, spending roughly \$2 billion a year on items directly involved in their sport. This does not involve expenditures for sport fishing craft. It doesn't involve companies such as my own, a small publishing company, it is true, but directly related to the sport fishing industry.

The payrolls in the factories of those manufacturing concerns making fishing tackle and related accessories is extremely large. Just as one example of many, in the unlikely place of the State of Indiana, there is a fishing lure manufacturing company that utilizes 735 million hooks in the course of a year. This is one lure manufacturing company, out of perhaps 550 throughout the country.

One factor which worries both anglers and those of us involved in the huge sport fishing industry, is the decrease in the supply of fish. Like those in the commercial fishing industry, we are concerned with overharvesting, with the lack of proper management, and with lack of control over foreign fleets. Although the Law of the Sea Conference may come up with an international solution—and I agree with Mr. Weld that it probably will not—there is no provision for controls in the measure taken at the conference are implemented.

In my opinion, Senate 1988 would furnish these controls while there is still time for them to be effective.

You undoubtedly heard of conflicts between sport and commercial fishermen. I am glad to say that in the main, these conflicts are minor today. Sport fishermen are willing and eager to work with their commercial counterparts to establish a 200-mile fisheries limit off our coasts, to save the resources while they are still there to save.

Thank you.

Senator PASTORE. Thank you very much.

Now I think at this juncture—it is 10:30 o'clock. I have already explained we must go back to Washington because of certain important votes. According to my list, I have a Leonard Roche; I have an Austin Skinner; a Harvey Michelson; a Howard Nickerson; a Harry Swain; a Hal Lyman. He has just testified. I have also a Mr. Bernard L. Gordon.



Are these gentlemen here?  
[Show of hands.]  
Senator PASTORE. Is there anyone else, apart from the names that I have called, that would like to testify?  
[Show of hands.]  
Senator PASTORE. What is your name?  
Mr. McNERNY. Michael J. McNerny.  
Senator PASTORE. All right, sir.  
Your name?  
Mr. DONNIGAN. John H. Donnigan.  
Senator PASTORE. We want to hear everyone. I would hope that you would take into account the convenience of other witnesses, too. This is about six or seven witnesses. We have 1 hour within which to do it.  
I would hope if you have a long statement, that you insert it in the record and just recapitulate.  
I will call as the first witness, Austin Skinner of the Fishermen's Union. Is he here?  
Is there anyone on the list here you would like to have sit at the table with you?

**STATEMENT OF AUSTIN SKINNER, NEW BEDFORD FISHERMEN'S UNION**

Mr. SKINNER. Well, I do have one of my partners in the union hall, Senator.

Senator PASTORE. Fine. Have him come forward.

We are happy to have you. You may proceed.

Mr. SKINNER. Mr. Chairman, members of the committee, I notice you have heard a lot of testimony in some of the other hearings you have had on the effects of the fisheries, so I am attempting to stay away from this area and to try to concentrate on why we think extension is necessary, as opposed to international agreements, as proposed by the Federal Government.

Since our Pilgrim forefathers first settled in this area, the fisheries have played an essential part in the economy of the colonies and later the Nation. Thank God they cannot see how these fisheries have been desecrated in the last 15 years. The situation grows continually worse with more and more foreign fishing vessels competing with us for less fish. Existing international agreements have not worked in the Northwest Atlantic and in our opinion will never be satisfactory to the domestic fisheries interests.

In the early 1960's the New Bedford fishermen recognized the need for long-range conservation methods in the coastal fisheries. Because we were part of an international management scheme and because the United States had no authority under existing law, the fishermen had to stand by and watch the depletion of the major stocks of fish on which we were dependent for our livelihood.

The number of nations in the world community which have extended their fisheries jurisdiction has increased dramatically and coincides with the growth of the distant water fishing fleets which have depleted fishery stocks around the world.

In all probability, the Law of the Sea Conference will come to some conclusions with regards to either extended jurisdiction or coastal control of the coastal fisheries. The problem that we see in using this avenue is the fact that any such international pact usually takes several years to obtain the necessary signatures to place the agreement in force. Our fisheries cannot wait for this type of action. If we do, there will be no fishery left. We desperately need th type of unilateral action which is being studied here today.

The basic problem with a multinational agreement such as ICNAF is that most conclusions reached are an after-the-fact sort of conclusion and conservation measures adopted have not helped to even keep the fisheries at an even level.

We feel that a major reason for this is the question of the by-catch or incidental fish caught when fishing for a basic species—that is, flounders caught when fishing for red or silver hake. The quota for red and silver hake in subarea five for 1974 amounts to 240 metric tons. In 1973, the total catch of red and silver hake was around 199.8 metric tons, of which the United States accounted for 26.3 metric tons.

The foreign catch was 173.5 metric tons. If this foreign fleet, in catching this amount, also took the allowable 10 percent incidental catch of yellowtail flounder, they would have brought on deck approximately 17.3 metric tons of yellowtail flounder, or an amount equal to more than 70 percent of what U.S. vessels can land under established quotas for yellowtail flounder.

These figures may overglamorize the situation, but in context of ICNAF agreements, the situation could, and in fact many fishermen believe, does exist. Before ICNAF could ever be an effective instrument to protect the fisheries the problem of the incidental catch would have to be cleared up.

It has been argued that extension of fisheries jurisdiction would be harmful to our distant water shrimp and tuna fisheries. The recently negotiated agreement with Brazil and th fact that our Government reimburses any fines levied on the tuna fleet by South American countries is indicative that the U.S. Government does in fact recognize the extended jurisdiction of some countries. S. 1988 would allow the U.S. Government to do the same thing to foreigners off our shores for a much better reason. This would be for the conservation of the coastal species.

In closing, we strongly urge that this committee support and recommend the passage of S. 1988.

Thank you.

Senator PASTORE. Thank you.

Our next witness is Leonard J. Roche.

**STATEMENT OF LEONARD J. ROCHE, PRESIDENT, BOAT OWNERS UNITED, INC., NEW BEDFORD, MASS.**

Mr. ROCHE. I am Leonard J. Roche. I am president of the Boat Owners United. I am a former advisor to the U.S. Commissioners for ICNAF.

Boat Owners United is made up mostly of owner/operators—New Bedford men who own and work as fishermen on their vessels.

They are not speculators who have their money from one business to another.

They are fishermen, who have successfully built the New Bedford industry into a \$70 million business. Yet, the effort of these people may go to waste unless the wholesale rape of the fisheries stocks in our front yard by foreign national distant water fleets is left to present instruments.

Statistics show that in 1965 the industry landed 147,316,000 pounds of fish here in New Bedford. Massachusetts total landings for that year were 409,630,000 pounds. The condition of the stocks was good and the future looked promising. We had a thriving haddock and cod fishery plus an unlimited flounder fishery including the famous New Bedford yellowtail flounder.

Nine years later, the haddock fishery is just about extinct. The flounder is in danger of disappearing, even for sportsmen, as was mentioned here previously.

Our annual catch in New Bedford is no longer 147 million pounds. It is now 60-million pounds, less than half, and this is with more effort and longer trips.

In the early stages of the game, we pleaded for conservation by all parties concerned. The more we pleaded, the harder the foreign national fleets fished on our stocks of fish.

First they took our full grown stocks, then the smaller fish, until the stocks were beyond the maximum sustainable yield. Yet they continued until the stocks were in dangerous condition.

All the while, their representatives sat down with our Government representatives within the International Committee for Northwest Atlantic Fisheries Convention and talked in general terms about the need for conserving the stocks.

In one instance the Soviets agreed to stay out of the yellowtail fishing areas, but neglected to pass the word to their enormous fleet which continued to clobber the stock and feed our \$70-million industry into the fertilizer cooking plants on the sterns of their vessels.

Just last week a number of New Bedford boats were fishing on the 3600-6040 line—by Loran bearings—in the middle of the vast fleet of huge foreign vessels. If you were to be present on this scene at nighttime, it would look to you just the same as a large city with thousands and thousands of lights as far as one can see over the horizon. Our men were trying to bring home a decent trip of yellowtail flounder. They spent most of the time dodging these large vessels which would bear down on them even though our American vessels had the right of way. Finally, a Coast Guard vessel arrived to act as interference for the American fleet. I remind you, these incidents take place every day in our own front yard in the Atlantic.

This points up an absolute need for extended jurisdiction to the 200-mile limit. It is a regulation needed for two reasons: conservation and economics. Without extended jurisdiction, the foreign national fleets will continue uncontrolled—breaking the chain of life in the ocean until all species are endangered. It is a known fact to scientists, fishermen, and boatowners that they have broken every

conservation rule in the book, even though they profess to be concerned with conservation measures.

Economically, the Greater New Bedford area and other areas along the Atlantic coast are dependent for a good portion of their prosperity directly or indirectly from the fishing industry. It has been suggested by people in other parts of the country that the fishing industry wait until the Law of the Sea Conference decides for all nations what will be defined as extended jurisdiction. The fishermen and the boat owners cannot wait while the cumbersome machinery of international politics decides our fate. Our fate will be decided by you, the Congress. Immediate extended jurisdiction will give us the chance to truly conserve the valuable stocks of seafood off our shores. In reality, extended jurisdiction should have been done a number of years ago.

Senator PASTORE. Thank you very much for an excellent statement.

Our next witness is Harvey Michelson.

**STATEMENT OF HARVEY MICHELSON, ATTORNEY,  
SEAFOOD DEALERS ASSOCIATION**

Mr. MICHELSON. Gentlemen, it is a pleasure being here today.

I am Harvey Michelson, an attorney representing the Seafood Dealers Association of New Bedford, the processors of substantially all the fresh fish product landed in the Port of New Bedford.

The Port of New Bedford is probably a true domestic fishing industry port. It is reflective of, in most cases, new and, in all cases, rehabilitated fish processing plants. It houses 600 to 700 fishermen, 120 boats, and approximately 600 seafood workers in addition to all supporting facilities.

Each and every one of them is blending a little.

When one finds himself on the brink of disaster, he generally reflects on an attempt to establish how and why he got there. And so it is today.

The purpose of these hearings is the result of circumstances which have in fact become disastrous and were perhaps necessary for a real recognition to be given to the unalterable fact that the domestic fishing industry is on the brink of disaster.

As reported in the newspapers, it has been suggested by representatives of other facets of the so-called domestic fishing industry, for example, the shrimp people and the tuna people, that the domestic industry should be left at a status quo to be protected down the line by conventions which have indeed historically created the situation which today exists.

The fishing industry of the northwest as further reported in the papers has been called a "museum piece" and it is strange that any aspect of the domestic industry should be marked by one who has not yet felt the impact of foreign fishing pressure in the particular area that he represents.

This would appear to be a flagrant nonrecognition of what is capable of happening to any fishery historically looked upon as domestic, once encroached upon by foreign fishing pressure.

The inability to recognize the circumstances which provoked that type of remark is tantamount to the inability of the particular person to recognize what could happen and probably will happen to that group he represents unless, of course, the group he does represent is not in fact involved in the domestic fishing industry.

On reflection, unless one knew it to be otherwise, the past 8 or 10 years could be looked upon as a contrived scheme to systematically annihilate species of fish under the guise of international agreements and conventions which were supposedly attempted for the purpose of conserving and rehabilitating those very same species.

We in the northeast may appear to be particularly sensitive to the impact of the legislation which is being considered by this committee.

We have lived through the annihilation of haddock and possibly may see the annihilation of yellowtail flounder within a time framework that only amounts to a few years.

Opponents of the legislation being considered will continue to raise arguments that the unilateral action by the United States in declaring extended jurisdiction would reduce the effectiveness of negotiations at such meetings as the International Commission for Northwest Atlantic Fisheries and the so-called Law of the Sea Conference to be held this summer.

In fact, I have not heard one comment from any knowledgeable person that indicates that there will be any success at the Law of the Sea Conference and, certainly, based on past performance, one cannot assume that there will be much success in reducing the amount of foreign fishing activity in those areas subject to ICNAF.

May I summarize a report prepared by the Northeast Fisheries Center for the ICNAF advisory meeting on May 8, 1974, with reference to the condition of certain fisheries:

1. Flounders other than yellowtail—sub-area 5-6—"Stock condition in general poor; foreign by-catch a significant problem."
2. Haddock—Sub-area 2—"Stock still at very low levels; all efforts to minimize by-catch needed."
3. Herring (regulated fishery)—Division 5G—"Total available catch may be less than 1974 as classes since 1970 do not appear strong."
4. Mackerel—Sub-area 5-6—"Abundance indices calculated by U.S. show continued decline."
5. Other fish—Sub-area 5 and 6—"Survey cruise information indicates low stock levels."
6. Squid—"Concern about increasing fishing activities in this fishery."
7. Yellowtail flounder—5Z W of 69°—"Stock has continued to decline as removals exceed recruitment."
8. Yellowtail flounder—Sub-area 6—"Stock is declining due to removals exceeding recruitment. Continued fishing will further deplete stock."

In the meeting at which the above information was disseminated, the question was asked whether it was anticipated a year ago that the fisheries above mentioned would reach the levels that appear to be existent. The answer was "no."

With regard to the yellowtail and flounder, both of which are under international supervision, there is very little doubt in anyone's mind that the depletion that has taken place in 1 year is a result of unreported catches of these fisheries by foreign vessels.

We are told that it may be necessary to substantially reduce fishing in certain of the areas referred to above in order to rejuvenate the stocks.

Based on past experience, reduction in overall quantities of fish to be taken will result in a much greater than proportional reduction in the total U.S. catch, as the continued taking of large quantities of fish that are not reported by foreign vessels will continue.

One need only look at the history of yellowtail and flounder under international supervision to see a classic example of negotiated destruction of a natural resource in a period of 10 years.

The foreign vessels will voluntarily remove themselves from any area in which it is not economically reasonable for them to remain and their voluntary removal will leave in its wake the destruction of a fishery.

It has been stated time and time again that the United States needs a national fisheries policy. I concur. But based on past experience, one can conclude that a national fisheries policy entangled in ICNAF-type negotiations and Law-of-the-Sea conferences will bring to other parts of this country what has befallen the northeast.

It would appear that fishing pressures along the eastern seaboard by foreign nations is increasing. I believe that the available information indicates that the number of foreign vessels now operating has increased 15 percent from last year and that there have been put into service more sophisticated vessels than we have had in the past which will in effect increase the total fishing capability substantially more than the 15 percent related.

The west coast of the United States in the area of pollock fisheries will be probably subject to additional fishing pressure as the Japanese and the South Koreans are hastily increasing the size of their fleets.

It should be obvious that only one reason would cause fishing vessels to come thousands of miles from their shores and that is that the fisheries domestic to them have been depleted and now the fisheries that are domestic to the United States will be depleted.

May I suggest that the only person who could oppose the legislation being considered would be one whose interests are deeply involved in one or a combination of two things: that the basis of their business or the industry they represent is not domestic and/or they are involved in bilateral agreements and special concession situations with foreign countries.

Is that the type of vested interest situation that should determine a national fisheries policy? Should the results of years of ICNAF and the prospect of years of Law of the Sea conferences be the basis upon which the United States should look forward to a national fisheries policy?

May I suggest that either of these alternatives is tantamount to a national disaster reflecting that which has occurred in the East but multiplied many, many times.

The United States must take immediate control of its natural resources. In this case, fish.

It must analyze the condition of the stocks, the needs of its domestic producers and its domestic consumption, take those steps that are necessary to ensure the rehabilitation of those fisheries already ravaged and then negotiate on a bilateral or multilateral basis with regard to those fisheries in abundance and those species which, because of their natural migration habits, required unusual attention.

Let us stop now, look around, see what we have from a position of control and develop a national fisheries policy free of those entanglements that have brought us to this moment in time which is our last chance to prevent a national disaster.

Senator PASTORE. Thank you for a fine statement. Thank you very much.

Our next witness is Howard Nickerson.

**STATEMENT OF HOWARD NICKERSON, ON BEHALF OF THE  
NEW BEDFORD, MASS., FISHING FLEET**

Mr. NICKERSON. Mr. Chairman, distinguished members of the committee, ladies and gentlemen, I am Howard W. Nickerson, president of Howard W. Nickerson and Associates, consultant to the seaport fishing industry from the seaport of New Bedford, Mass.

I have been connected with all phases of the fishing seafood industries since 1936 when I first went to sea as a commercial fisherman and later in 1958 when I came shoreside to serve in fishery-oriented endeavors, until the present time when at last the Congress is seriously considering the passage and enactment of H.R. 8665 and S. 1988 which I and those I represent support 100 percent.

Because of the number of people who wish to speak and present testimony today, I would respectfully request that the committee would receive written testimony from those scheduled or not able to testify today, prior to the close of hearings in Washington, D.C.

Two, which is the only question, is that the question to be debated in Congress this year is, does the United States want or need a domestic, commercial, and marine recreational fishery. That decision, gentlemen, must be made by you. I am afraid to say it must be made now in the year 1974.

Senator PASTORE. Thank you very much. I will make that announcement now. This record will be kept open by the committee. Anyone who does not testify today and would like to submit a statement is welcome to do so. As a matter of fact we encourage it.

Mr. NICKERSON. I would like to enter a statement for the United Fishermen's Wives Organization of New Bedford, Mass.

Senator PASTORE. Without objection, it will be placed in the record in its entirety.

[The statement follows:]

**STATEMENT OF UNITED FISHERMAN'S WIVES ORGANIZATIONS**

The status of the American Fisherman has steadily declined for the past ten years due primarily to the heavy concentration of overfishing by foreign vessels.

The American vessels make a trip last usually from one week to ten days and then return home. After several days ashore they return again weather

permitting to the same working conditions. The foreign vessels stay at least six months or more and dwarf the American Fleet with their catches.

Our quotas are constantly being cut, till at this particular time there is still talk of a fifty percent cut just on yellowtail alone not taking into consideration the other endangered species.

The American fisherman is under the quota system and also must adhere to a regulated mesh size. Foreign fleets are also regulated but report only what the United States wishes to hear. Every vessel that reports an infraction by a foreign nation has an awful job trying to convince the Coast Guard and by the time a Coast Guard vessel arrives at the scene they have already left the area.

We have tried year after year to have our Senators and Congressmen work with us to establish a 200 mile limit but to no avail. If we are to continue to have a fishery resource this is the only way in which we will be able to rebuild our stocks as the American Fisherman has a larger mesh size which enables the smaller fish to slip through and grow to maturity. Also the American Fisherman is constantly regulated while foreign vessels are not.

Let's wake up to the fact that we can no longer give our natural resource to the rest of the world. Let us establish the 200 mile Fisheries Limit now to save whatever is there.

Remember the rest of the world give this resource priority over everything else. Think of this when decisions have to be made and the American Fisherman who is so vital a part of these United States of America.

Senator PASTORE. My next witness is Mr. Harry Swain.

Mr. MICHELSON. Mr. Swain is not able to be here.

Senator PASTORE. Thank you very much. Our next witness is Mr. Bernard L. Gordon.

**STATEMENT OF BERNARD L. GORDON, VICE CHAIRMAN, MARINE  
RESOURCE DEVELOPMENT COMMITTEE, THE NEW ENGLAND  
COUNCIL, BOSTON, MASS.**

Mr. GORDON. Thank you for the opportunity to be heard.

I am Bernard Gordon. I am associate professor of earth sciences at Northeastern University, Boston, Mass., where I teach courses in fisheries, oceanography, and also serve as vice chairman of the Marine Resource Development Committee of The New England Council. I am past chairman of Southern New England Marine Sciences Association. I have authored books which include "Man and The Sea," and "Marine Fishes of Rhode Island."

I am authorized to make this statement of position here today on behalf of The New England Council.

The council has a Marine Resource Development Committee composed of experts from academic and industrial circles with direct involvement in marine resources.

The council has actively engaged in programs to sustain and advance the economy of New England, and wishes to endorse proposed legislation that will extend the United States offshore commercial fishing boundary 200 miles seaward. Such action is warranted on the basis of a number of factors, including the following:

The U.S. Government recognized the 200-mile boundary claim of other nations and, in fact, has paid fines for U.S. vessels that have repeatedly violated the 200-mile fishing zone of foreign powers.

It is incongruous that the Federal Government has paid fines for acts of poaching, while simultaneously permitting the fishing fleets of foreign powers to operate as close as 12 miles to the coast of the United States.



The Continental Shelf extends 250 miles seaward from the New England coast. It is inevitable that action will be instigated to recover and utilize the nonliving mineral resources that are known to exist there.

Such action can be greatly impeded by free-running foreign fishing fleets; marine incidents, for example, will surely occur unless the fishing boundary is extended the 200 miles proposed.

A large portion of the U.S. fishing fleet, designed for close inshore operation, has learned to exist by catching fish that manage to elude the large foreign factory fishing vessels that operate off the United States.

By a natural process of evolution and resource demand, domestic fishermen will surely extend their capabilities and modernize their fleets for extended deep-water fishing once assured of federal protection within an extended 200-mile fishing boundary.

Investigations have revealed that scientific fishing research has been confined to heavily populated fishing areas, such as off the New England coast. Little is known about the biology, zoology, and fishing potential existing in other parts of the oceans. This has drawn foreign fishing vessels to the areas of proven production, mainly off our coast.

Mass catch techniques, with complete disregard for the natural migration and spawning habits of the fish, will eventually result in depletion of the fishery resources to the detriment of the United States—this at a time when these resources are known to be dangerously low, and are vitally needed to supply protein for our nation and other nations of the world.

In a similar vein, we have no control over the species of fish caught in a mass catch technique, many of which are dead when brought on deck. In no way will foreign fishermen respect conservation measures to protect any fish species by returning protected fish to the sea.

A 200-mile fishing boundary remains the only solution for correcting these.

The recent enactment by the U.S. Government of legislation which declared the common American lobster, *Homarus Americanus*, "a creature of the shelf" for the exclusive fishery of American fishermen on our shelf, warrants extending our territorial waters out 200 miles to protect this United States resource from foreign nations.

Senator PASTORE. I might say that was my amendment.

Mr. GORDON. Right.

These foreign vessels catch lobster. They don't throw them back. It is depleting the resource out there. We find that they also catch our traps, too.

On the basis of these factors, we strongly advise that legislation be enacted both to protect the interests of our country, and to recognize the international trend toward extended fishing zones.

Senator PASTORE. Thank you very much.

Now Mr. Modesto; is he here?

You testified yesterday; do you want to testify again?

**STATEMENT OF OCTAVIO MODESTO, SEAFOOD PRODUCERS  
ASSOCIATION**

Mr. MODESTO. Thank you, Senator. I have something I didn't have yesterday.

Gentlemen, I have a classic example of what goes on. These photos were taken by the captain of the *Ocean State*. I would like to give these to you.

Rather than repeat and take time from my remarks, I have them in printed form; and it seems that with all the foregoing testimony, that we are all——

Senator PASTORE. You better hold these in your hand. I think they want to take a picture of them.

Mr. MODESTO. OK.

Senator PASTORE. Hold them up.

Mr. MODESTO. This shows a 500-foot foreign vessel, and it is aided by two smaller vessels, port and starboard. You can't beat that for efficiency.

We are all in the same boat. Unfortunately, we have relatively—120 vessels working in New Bedford as compared to over 200 a few years ago.

We have heard here this morning that various forms of conservation have been recommended. All this has ever done is benefitted the foreign fleets; and as a result, we just have a dwindling resource. This method has not worked and we need the passage of the Studds-Magnuson Bill.

Senator PASTORE. Thank you very much. Your complete statement and the photographs will appear in the record.

[The statement follows:]

STATEMENT OF OCTAVIO A. MODESTO, G. MGR. SEAFOOD PRODUCERS' ASS'N.,  
NEW BEDFORD, MASS.

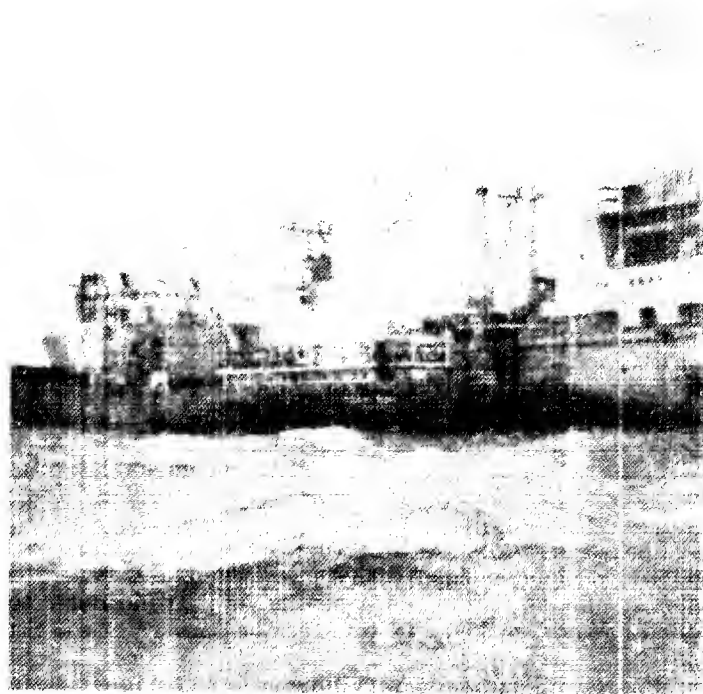
To Senator Warren Magnuson: The American Fisherman has over the years battled the elements, the fish themselves and lastly the market prices to eke out a livelihood. For the past fourteen years, the American Fisherman has been confronted with the "Invasion" of foreign fleets on our historical New England fishing grounds. The foreign fishermen, who are for the most part subsidized by their governments, outnumber and outsize any of our commercial fishing vessels. With this type of competition, thousands of miles from their native lands despite any and all quotas taking all species and all size of fish, our resources are exhausted to the point that Mother Nature can no longer reproduce fish to restock our resources and support the heavy fishing of the foreign fleets.

The domestic fishermen try to live up to regulations, using proper size mesh to ensure propagation. I am sure that the foreign nationals pay little attention to this as evidenced by the reports over the years.

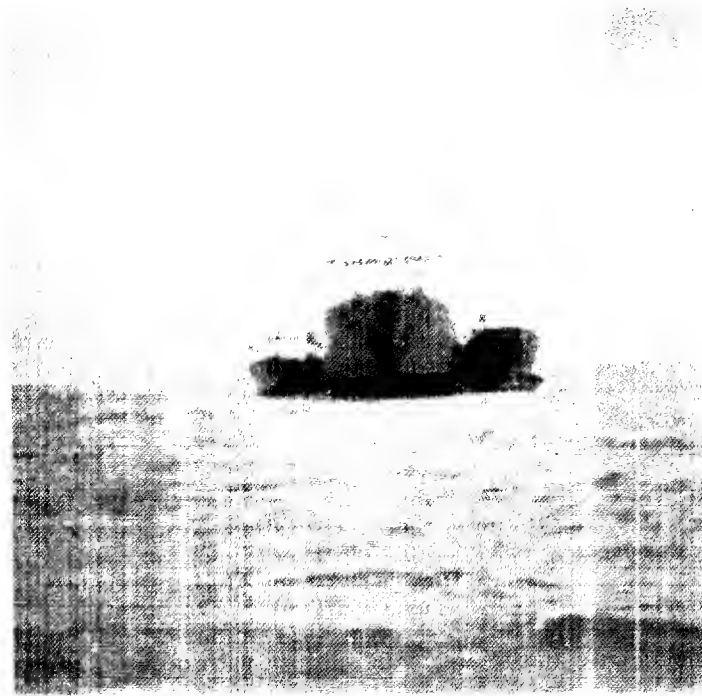
While no one seems to take responsibility of our fishing grounds, everyone from all over the world fishes hard there and does nothing that can be classed as conservation. There is simply utter disregard for this marvelous resource, and its survival.

I urge you sir to act in favor of the proposed 200 mile interim fishing legislation now pending.

Although it is late, something can still be salvaged. We have too long been charitable to the other countries. I would suggest that we agree that "charity begins at home" and that we do something about it now.



This photo was taken by the Captain of the F/V Ocean State, Pt. Judith, R.I. The smaller freighter in the foreground was removing fish from the mother ship and two days later, the freighter was back in New Bedford unloading fish.



This shows the overall efficiency of the mother vessel, working both port and starboard simultaneously.

Senator PASTORE. Next, Mr. McNerny.

**STATEMENT OF MICHAEL J. MCNERNY, DIRECTOR FOR THE  
NEW ENGLAND MARITIME UNION**

Mr. MCNERNY. I am director for the New England Maritime Union. Senator Pastore, Senator Kennedy, Senator Stevens, we would like to thank you for this opportunity to present ourselves. We feel that S. 1988 is a cure for an illness. The illness is something that most of America is not aware of, and the cure is something that the overwhelming majority of the world should be aware of, and that is S. 1988.

The tragedy of the things that exist now not only on the east coast, but in the Gulf and on the west coast, is that people have used their resources and in their countries, have run out in their boundaries and now are using an attempt to eliminate the resources of the United States.

Senator PASTORE. You can add something else: polluted their own waters.

Mr. MCNERNY. Yes, sir. I could go on in many things.

Senator PASTORE. Polluted their own waters. Now they are coming to our waters that are clean.

Mr. MCNERNY. Why are they here? They are here because they do not have what we have and they are attempting to kill it.

Failure to pass this bill in the year 1974, in our estimation, will be to overlook a cure and to create an autopsy with no body to perform it on.

The statistics that we offer for the committee have not been offered today; and that is that only 1 percent of all the fishing fleet of the American boats are over 300 tons. Over 99—95 percent are over—are under 100 tons, and over 70 percent of it are over 30 years old.

Mind you, the American fishing fleet has never drawn one single penny of the taxpayers' money in subsidy. Not speaking with authority from the fishing people, but speaking as a citizen, I say to you and to the rest of America: If we have not supported them financially, at least support them legislatively.

Agreements are fine. We, as Americans, have always lived up to agreements. But unfortunately, the people we make them with have overwhelmingly not lived up to them.

The cure is a law; and this law, I think, is very, very good. It is one that will benefit not only us, but mankind in the future when we need the sea for food of the future. Our fleets now are like robots compared to the foreign fleets battleships.

The industry that is appealing to you for assistance here is not appealing for financial assistance. It is not appealing to use any of the wealth of the United States or its taxes; but instead is asking you to give them the right to bring more productivity to the United States of America, create more employment, and possibly a larger fleet. This bill, if you look to the future, will even protect our oil industry and our minerals.

May I suggest to you that the stunning fact that existed in 1961, which was deplorable then, is now disgusting right now. In 1961, there

was over 300,000 tons of fish produced off the east coast, west coast, and gulf. Of that, 90 percent was under American flag.

The American fishermen, ironically, with the smallest fleet and the smallest boats, per tonnage of vessel, is the most productive fisherman in the world; statistics prove this. This is no lie or no braggadocio.

I would like to say for the record we are appearing here completely unaware to any individual that belongs to the fishing industry; as a matter of fact, I have never had the privilege to meet any of them until a few minutes ago when I talked to Mr. Skinner.

I would like to say to the conservationists who are opposed to this bill that, gentlemen, this is probably the strongest bill that will ever be passed to help the conservationists. What will it do?

Number one, it will increase the population of the fish of the ocean, especially on our shores, which we are concerned with.

How will it do this; Though it will increase the American productivity, it will decrease the overall productivity by the limitation of this bill.

Number two, it will increase the employment in places like New Bedford and Alaska and California; though there is a small force in California that is opposed to this bill, there is an amazing large force in California that is for it.

We speak not as local New Englanders, but as people representing all of American industry. Ironically, I have had the privilege of working in 18 ports. I serviced California and Alaska.

The overall factor is, number one, there is no cost for the taxpayer, no cost to our Government. Protection for our public, increasing the productivity of the fish, increasing the population of the fish, and benefitting the people of various areas outside of New England.

I would like to say for the record that the people in the southeastern part of the United States and the gulf, and lower California, should stop and think that once Alaska and Washington and New England area is fished dry, the same boats that are here and off Alaska, they will then be down along the shores of the southern part of the United States and gulf. Let us not kid ourselves. This is an unproven fact, but it is known in my beliefs anyway.

So I recommend to you, gentlemen, that failure to pass S. 1988 would be a cause for an autopsy where you will have no corpse.

On the other hand, I think that your committee, and the Senate and the House, can give a birthday gift to everyone in the United States and the world. Let us have the 200-mile limit as a birthday present for the 200 years of our country.

Thank you kindly.

Senator PASTORE. Mr. Donnigan, you may proceed.

**STATEMENT OF JOHN H. DONNIGAN, DIRECTOR, BOSTON  
SEAFOOD WORKERS, BOSTON, MASS.**

Mr. DONNIGAN. I am John H. Donnigan, Mr. Chairman, and gentlemen of the committee, and I am director of the Boston Seafood Workers Union, International Longshoremen's Association, executive director of the International Longshoremen's Association representing New England, local unions under the jurisdiction of the ILA.

Gentlemen, I did not come prepared on a brief today for the simple reason I had no knowledge of this hearing before such time as 11 o'clock yesterday morning; and solely through the graciousness of Senator Kennedy's office.

I believe that the Boston Seafood Union, the International Longshoremen's Association is as much an integral part of this industry as any other segment. For this reason, I shall speak extemporaneously.

I have seen the good times and the bad. My career stems back to 1931 at which time I became a worker. In 1939 I was elected business agent. In 1945 I was elected president-business agent. In 1969 I was elected director of the union. In 1970, I was appointed as executive director of all New England representing fish locals under the ILA by the late John F. Moran; and presently, by the international president, Ted Degleason.

Now, speaking extemporaneously, and—the fact that I mentioned good and bad. I recall going to Washington, appearing before our late beloved President John F. Kennedy when he served on the Merchant Marine and Fisheries Committee at least once a month during the period of 1950 from that time to 1950 or later.

We had a problem at the time, and hoping at least to circumvent extinction, however, we are now no longer in that position, as I found myself just as knowledgeable on my part because I have been around the fishing industry that long.

We are not in that position today, as I have related it. We are in a far criteria of extinction. If we are not extinct now, I don't know what extinction means.

I can recall representing in 1939, 2,500 members. Couple that with the Gloucester Seafood Union, I would say anywhere between 5,000. Coupling it with the New Bedford Union, of which I am the representative of, in the area I would say close to 8,000.

Breaking it down today, I can say that we have now presently not 2,500 in Boston. We represent 400.

To be more specific, as the chairman of the health and welfare, I recall 9 years ago when we had an enrollment inside the pier, of 598 men enrolled in the pier. That's not counting the outside the pier.

Today after consulting with Secretary Uorock, who is the secretary of our health and welfare, periodically, Mr. Chairman, I will ask if he can tell me the figure today. The last count I got was 122. In 9 years reduction from 598 to 122, in the heart of the pier. I am not referring to the outside, the rest of our members.

So that is a drastic reduction from the days I recall in which I had appeared before our beloved President as a Congressman and related happily of 2,200 men, and yes, I appeared before Senator Magnuson at the time who served as a Congressman.

I do not wish to capitalize or enhance on previous statements because I think they were very elegantly phrased by the previous speakers. I wish to go on record of saying that our local union, the unions I represent in New England, go on record favoring the bill Senator Magnuson and Congressman Studds have put forward.

However, I think it is proper and fitting to enhance on one particular statement made by Mass port director, Ed King. He mentioned a great reduction he had seen throughout the years. He mentioned the

boats, the reduction from, say 200, yes—but I have to be more specific and say that it's a crying shame to see the reduction in the membership of my union, which greatly affects—not my union; it affects the industry as a whole which can be readily seen and appreciated by you.

I hope this committee—and I know this committee will do everything in its power to see that we someday, particularly in my instance, after 40-odd years or better can say I did see the good times and—before I go out of office, I want to see the good times back.

Senator PASTORE. Thank you very much. You were extemporaneous. I tell you, you talked right from your heart. We appreciate it very much.

Is Representative Richard Silva here?

**STATEMENT OF HON. RICHARD R. SILVA, STATE REPRESENTATIVE  
IN MASSACHUSETTS OF THE FIRST ESSEX DISTRICT, MASS.**

Mr. SILVA. Mr. Chairman, distinguished members of the committee, I am State representative Richard R. Silva of the first Essex district comprised of the city of Gloucester and the town of Rockport. I also appear as chairman of the staff of the Committee to Save the American Fisheries.

I have a brief presentation of about 2 minutes.

On behalf of the many fishermen and lobstermen of my district, I appear here to ask for your support and the support of your colleagues in the U.S. Congress for Senate bill 1988, which would give us an interim 200-mile fisheries jurisdiction.

My brief remarks will be limited to informing you of the effort being made by STAF in support of the Magnuson-Studds bills.

Save the American Fisheries Committee was organized in September of 1973 at Kennebunkport, Maine.

The committee consists of 16 elected and appointed officials from New Hampshire, Maine, Massachusetts, and Rhode Island,

For the past several months, the STAF committee has been planning a "Sail on Washington" to dramatize the need for a 200-mile fisheries jurisdiction. Support for this effort has exceeded all expectations.

The Governors and many people of the four New England coastal States have joined in supporting our effort by contributing in excess of \$10,000 to our fund to date.

A number of other Atlantic coast States' governments have notified us that they stand behind this movement of ours and wish us well in our mission.

The Governors of Oregon and Washington are also lending their support to our effort.

Governor Egan of Alaska has gone so far as to pledge \$1,000 to the committee for its sail on Washington.

There is massive support throughout this country for a 200-mile limit and it is evidence here in New England by the amount of money being sent in to our committee and by the fact that 457 people turned out for a fundraising breakfast in Gloucester a few weeks ago, while



another 435 people attending a fundraising dinner in Portsmouth, New Hampshire recently.

I don't believe there has ever before been such grass roots support for establishment of a 200-mile limit.

On February 15, 1972, the public broadcasting services program, "The Advocates," debated on "Should the U.S. Claim Jurisdiction of Fishing to a Limit of 200 miles?"

On March 15, 1972, a report released by "The Advocates" showed strong support across this Nation. By a ratio of 4 to 1, 80 percent of the 2,268 votes recorded agreed with former Secretary of the Interior, Walter J. Hickel, for the 200-mile limit.

It is the aim of the committee to "Save the American Fisheries" to alert the Members of Congress to the great interest and support there is among the people of this country, especially among the fishermen, the lobstermen, the fish processors and other industry-related people, for enactment of legislation to protect what little is left of our fish resources.

To dramatize the need for a 200-mile limit, several vessels from the major New England fishing ports will participate in the "Sail on Washington."

Be the Good Lord willing, the "Sail" will begin on June 5, with plans to arrive in Washington at the Capitol Yacht Club on June 10.

We hope our demonstration may play some small but important role in the eventual passage of Senate bill 1988.

Senator PASTORIS. Thank you very much, Mr. Silva.

Is there anyone else in this room that would like to testify for or against this bill?

Mr. PERRY. Yes.

**STATEMENT OF VASCO PERRY, ALTERNATE TRUSTEE,  
INTERNATIONAL LONGSHOREMAN'S ASSOCIATION**

Mr. PERRY. I am just a former veteran, a member of local 1749, an alternate trustee, and also a longshoreman. I don't have a prepared statement. I have an off-the-cuff remark that might of some interest to all the Senators.

Senator PASTORIS. You tell us anything you want to tell us.

Mr. PERRY. Well, on several occasions there have been Japanese frigates coming into the Port of New Bedford carrying primarily cod and pollock that have been caught off the waters of Senator Stevens' own State, which is Alaska, and in other words, this has been labeled Alaskan pollock, quick frozen, and in rather small print a product of Japan.

I just want to say I came from New Bedford today. I am here to say that the bill has the entire support of my bulk of local 1749. I would like to see the Government doing something for the fishing industry rather than fool around with ICNAF.

Senator PASTORIS. Thank you very much.

I hope we are going to come to an end of all the fooling around. Anyone else who wants to testify? Yes.

Mr. McNERNY. Senator, I would like to ask your permission. I don't have the pamphlet with me. We prepared a pamphlet 5 years ago called "Food for the Future."

Senator PASTORE. How long a pamphlet is it?

Mr. McNERNY. I don't know. I was laid up at the time.

Senator PASTORE. If it is too voluminous, you won't mind if we put it in the record by reference.

Mr. McNERNY. At your discretion.

Senator PASTORE. Thank you, Mr. McNerny. Anyone else?

Senator KENNEDY. Before concluding, Mr. Chairman, I want to express my deep sense of appreciation to you, our good neighbor from Rhode Island, and Senator Stevens, our good friend from Alaska for coming here and bringing the Commerce Committee to Massachusetts and listening to these individuals, the great majority of whom have been long and good friends of mine, and have been extremely helpful in the development of most of the legislation that I have had the honor to introduce.

We want to express our appreciation to you for being here and for your patience and understanding of this problem. We know both our chairman and Senator Stevens, and chairman Senator Magnuson, are deeply committed to this issue. I think you have seen in the representative statements made today from the fishermen, from those involved in different phases of the fishing industry, that there is broad and wide support.

They have exercised responsible action in the past to try and meet some of these problems and have come to this conclusion: that this legislation is urgently and dramatically needed to provide protection for the fish themselves and the opportunity for this industry to continue to serve not only the people of Massachusetts and this country, but also with a revitalized industry, the people of the world.

I want to again express my sense of appreciation to you and Senator Stevens. There are not many constituents of Senator Stevens' here today, but I think it shows his deep commitment on this issue. We have to work together, Alaska, Massachusetts, Rhode Island, and the other States to implement this legislation.

I think the fact of your presence here shows the seriousness of this measure in terms of your own priorities. We want to thank you for coming and giving us the chance to present these views to this committee. I just want you to know that we are hopeful, I am as a Senator, and as someone interested in this problem, that we are going to be able to get early action on this legislation.

We want to thank you for the way you have conducted this hearing. It is in the typical manner of a Pastore-chaired hearing. We, who are your neighbors, respect your leadership in this area as well as in many others. We thank you for your presence.

Senator PASTORE. Thank you very much, Mr. Kennedy, for those generous and gracious remarks. I want to thank everyone who has come here this morning to testify. You have been of great help to us, to the record, and all of the testimony that has been adduced, not only here but in the several places throughout the country that we have traveled will be taken in very serious consideration by the full committee, and I hope that we will sense the urgency that has been expressed here today.

We thought from the very beginning, because there was such widespread interest and concern in this legislation and the problem that

it is intended to meet that we should go back to the various places where people are concerned and have them explain their own problems, because many of these people just can't afford to come to Washington.

That is the trouble sometimes. We hold our hearings in Washington. Only lobbyists will appear. Sometimes organized groups will appear, but insofar as the individual citizen is concerned, he does not have that chance. For that reason the whole purpose of coming here was to give him that chance.

Now I want the record to show that we have a representative here from Norris Cotton's office. He is the Senator from New Hampshire, as you already know. His name is Mr. Art Pankopf, a very, very brilliant member of our staff who assists the members of the other side of the aisle in understanding really the intricacies of the bill.

We welcome him here today. We want him to bring a message back to Mr. Norris Cotton that we miss him very, very much. We know he is interested because he has participated in all our committee hearings. Now I think we ought to have a final word from Ted Stevens who has come to us from the State of Alaska who has showed tremendous concern with these problems. I would hope he would bring this meeting to a close.

Senator STEVENS. Well, I am happy to be with both of you gentlemen and hear again the unanimous support for the 200-mile extension. It will entail problems for the Coast Guard, we know. I think they are soluble. I think it is action we must take very soon. I appreciate your courtesy and the time to comment.

Senator PASTORE. We will adjourn this meeting to Washington.

[Whereupon, at 11:25 a.m. the committee recessed subject to the call of the Chair.]

## INTERIM FISHERIES ZONE EXTENSION AND MANAGEMENT ACT OF 1973

FRIDAY, JUNE 14, 1974

U.S. SENATE,  
COMMITTEE ON COMMERCE,  
SUBCOMMITTEE ON OCEANS AND ATMOSPHERE,  
*Washington, D.C.*

The subcommittee met at 10:19 a.m. in room 5110 of the Dirksen Senate Office Building; Hon. Ted Stevens presiding.

Senator STEVENS. Good morning.

Once again today, the Senate Commerce Committee continues our hearings on proposed legislation to extend our fisheries' contiguous zone to 200 nautical miles. We are very pleased to have with us this morning the Governor of Massachusetts, my good friend, Francis Sargent.

Governor Sargent, we would be happy to have you lead off the testimony.

### STATEMENT OF HON. FRANCIS SARGENT, GOVERNOR, STATE OF MASSACHUSETTS

Governor SARGENT. I want to thank you very much for permitting those of us who are concerned about the fishing industry to have the opportunity to testify today. I might say, Mr. Chairman, that I have much more than merely passing interest as a Governor from a State that is concerned about the fishery. I have more than just that type of interest.

For 10 years, I was director of the Division of Marine Fisheries in Massachusetts. At one time, I was chairman of the Atlantic States Marine Fisheries Commission. I was commissioner on the International Commission for Northwest Atlantic Fisheries, so that I am quite familiar with the problems.

As a matter of fact, I fished on trawlers off of Georges Bank, off of Massachusetts Shores, Western Bank, off of Nova Scotia and the Grand Banks of Newfoundland, and I am alarmed to see the changes that have developed in recent years as a result of the tremendous onslaught of fishing vessels.

So that I have come here today to, I hope, be able to play a part in protecting the devastation of the world's fishery resources. The economic consequences of this devastation are clear. The fishermen of my State and New England face the stark and very immediate prospect of the death of their industry.

(935)

You heard their words when you came to Boston. You have heard them again in this city. Their plight is real and they deserve your help. But the issue at hand goes beyond the income of individuals or even the economy of my State. What is at stake is the survival of the resource itself.

A resource which has fed more than 1½ million people, and a resource which holds greater importance with each passing year. The annual harvest from the oceans is now growing three times as fast as the world population.

With disastrous world food shortages looming ahead, we can not afford to recklessly deplete our fisheries. Yet that is exactly what is happening today. In a little over 10 years, the supply of haddock and herring has declined by 90 percent. The supply of cod and hake by about 50 percent.

This mad exploitation must end or we will find ourselves without any fish at all. We must strike that essential and very delicate balance between the needs of today and the needs of tomorrow. A balance which rests upon controlled fishing.

Unfortunately, voluntary controls have not and will not achieve that balance—for the temptations to cheat are just too great.

Mandatory, legal action is the only way that will work.

Some say we have found such action in the ICNAF treaties. As a former commissioner to that organization, I must regretfully state that these treaties have not accomplished their purpose.

To begin, their provisions are reportedly violated. ICNAF declares that fish net may have a mesh size no smaller than 4¾ inches, to allow the small immature fish to escape through the meshes of the nets. Yet, the evidence is clear that nets of far smaller mesh are often used. Nets of 2 inches, of 1 inch—even a net of so fine a mesh, it resembles a strainer are now being used.

Your Chairman informed the Senate last year of violations of ICNAF regulations. You noted that during a 16 day period in early 1973, 20 Russian factory vessels and freezer vessels were operating inside an ICNAF closed zone—fishing where no fishing was supposed to occur.

But, Mr. Chairman, even when those large foreign vessels fish where they are supposed to, they cause major damage. ICNAF recognizes that trawling is imprecise and within any large catch there are bound to be restricted species. Therefore, it allows a 10 percent catch of incidental restricted species.

Yet, because of the size of the overall catch by these huge foreign trawlers, that 10 percent often equals more than the total that U.S. fishermen catch when they only fish for limited species.

The point is clear, Mr. Chairman, the ICNAF approach, based upon regulating species by species, cannot work. There are simply too many ships, operating over too large an area, for it to be possible to check every net as it is brought on-board.

A new approach is necessary. We must regulate by geography to ensure the effective protection of depleted stocks.

The 200-mile limit would allow such protection. And it is for that reason that I support this legislation.

Now, Mr. Chairman, some have claimed that this legislation is unnecessary; that the Law of the Seas Conference, to begin in a few days in Caracas, Venezuela, will do the job. They argue further that unilateral action by this country would do more harm than good.

Though I do not profess to be an expert in foreign affairs, I simply disagree.

Certainly, I hope that the Caracas Conference will resolve this issue once and for all. But hope does not guarantee results—and we have been hoping since 1950 when ICNAF first met, that it would be able to cope with the basic problems.

It took 21 years of ICNAF to establish strong quotas, and now we are beginning to see what little effect they are having.

So again I say, let us hope that the Caracas Conference protects these fisheries, but let us not assume such success.

Indeed, Mr. Chairman, I ask for this action by Congress now to increase the odds for effective international action later. International agreement for conservation will come, I believe, only when other nations understand that we mean to protect these international resources.

Nations who rape the oceans today will stop only when this country states clearly and forcefully that the pillage must end.

Mr. Chairman, the State Department opposes this legislation. And to be very honest, I don't know why. To begin with, they argue that such legislation will prejudice the interests of the American distant water fishing industry. But whom does the State Department represent—a part or all of the industry?

In my State, in New England, indeed along most of the east and part of the west coast, fishermen do not travel to distant waters. They are at sea for maybe 10 days, at the most.

The State Department claims to oppose the 200-mile limit on principle. Yet this same State Department turns around and acknowledges the 200-mile limits of other nations. This Government on a regular basis pays the fines levied on American vessels by Peru and Ecuador—for violating their 200-mile limit.

And the greatest irony of all: Not only do we acknowledge a similar limit claimed by Brazil, we give them the funds to enforce it.

Mr. Chairman, this nation has a long tradition supporting the freedom of the seas, and I do not propose that we abandon this policy.

But at the same time, we cannot remain rigid in our positions. We demonstrated flexibility in 1966 when we extended our limit from 3 to 12 miles. I believe we should be flexible again. We should act now to protect our fisheries on a temporary basis, until permanent controls are enforced.

Today, Caracas represents a very large question mark. With 13 varying proposals on this issue pending before the conference, it is impossible to predict the result.

That is why we must take a strong position now, why we must give our negotiators as much leverage as possible.

We cannot sit back and expect the small nations of Africa and South America to carry the day alone. We must provide the leadership.

The international community will not spurn us for our action. Retaliation did not occur when other nations adopted 12-mile limits or 200-mile limits. Cooperation, I believe, not retaliation will follow our action.

And this, Mr. Chairman, is the key point. The 200 mile limit must be viewed not as an isolationist step but as a measure to force effective international conservation.

The fishermen who have traveled here on their ships placed a basic question before this Congress. Shall we continue to permit the ravaging of these fisheries? Or shall we say, "enough."

I ask that you enact this legislation—to protect the fishermen of this nation and to preserve a critical resource which can never be replaced.

Senator STEVENS. Governor, we are indebted to you for taking your time to present the statement you have made, a very forceful statement. And, I assure you we are most familiar with the tremendous support that came out of the Boston hearing for this legislation. We can only join you in hoping we can get the total support we need for early action on the legislation.

And I assure you that Alaskans know what you are talking about when you talk about those foreign fishing fleets. We heard about a vessel this week that is a brand new one, over 600 feet in length. It's very interesting, it's supplied with fish from trawlers that trawl in tandem, both of them are more than 100-feet long, but the trawlers never know what they are catching, because they unhook the net and put it onto a winch that's on the big ship.

And the fish are actually dumped on the deck of the big ship so when you talk about incidental fish, the trawlers don't even know what they are catching, actually. It's amazing the way they are turning new factory methods into this foreign production concept in fisheries.

And I agree with you, we are going to have to do something about that incidental catch. I have asked the Coast Guard and NOAA and others to take a look again at that definition. I think incidental ought to be incidental as far as the species are concerned and not incidental as far as the number of fish that are in the nets that are restricted in comparison with the ones that are unrestricted.

We have been looking at the wrong figures as far as I'm concerned, because as you well point out, that 10-percent figure up your way turns out to be as much as the American fisherman catches.

And in the halibut situation, it's more. They actually caught more incidentally than the whole American and Canadian fishing fleets caught in the Bering Sea last year on purpose.

So it's going to be a very difficult proposition, I think, unless we extend this jurisdiction. We welcome your support, and we're happy to see you here today. Since we are obviously in such agreement, I don't have any questions and I appreciate your taking your time to present your statement.

Governor SARGENT. Thank you very much, Mr. Chairman.

Senator STEVENS. This would be a good place to put in the record the statement that has been given to us by Elmer Rasmuson, who is the chairman of the North Pacific Commission. He was to appear

today, but could not make it. Since you have appeared and you have the background from ICNAF, I would like to put in the record here at this point a statement of your counterpart from the North Pacific. And you are in agreement on all points, I might add.  
Governor SARGENT. Thank you very much, Mr. Chairman.  
[The statement follows:]

STATEMENT OF ELMER RASMUSON

Mr. Chairman and members of the Senate Commerce Committee: My name is Elmer Rasmuson. I was born in Alaska and am a resident of that state; I am currently Chairman of the United States Section of the International North Pacific Fisheries Commission.

My testimony is in support of the concepts of Bill S. 1988, introduced as the "Interim Fisheries Zone Extension and Management Act of 1973."

As a concerned Alaskan, I have observed the decline in fishery stocks in the North Pacific, particularly salmon, halibut, crab, black cod and ocean perch. We are all aware of the disastrous declines in the Atlantic of salmon, haddock and cod. I have been a member of the International North Pacific Fisheries Commission since 1969 and have participated in five international conferences between the Convention nations—Canada, Japan and the United States.

The first basic fact of fishing is that it is a renewable resource—in contrast to minerals and oil. Therefore, we have a trustee responsibility and should be able to manage it in perpetuity and even increase the fishery stocks. The proper perspective is to think of fishing as a kind of aquatic agriculture and we are harvesting the crops of the sea.

The problem is that the supply is limited. We must disabuse ourselves of any concept that the oceans are any inexhaustible source of proteins to feed the expanding populations of the world. Most of the ocean is a biological desert.

The supply problem is complicated by the vagaries of Mother Nature, such as cold spawning weather, temperature of the sea, ocean currents, changes in the food cycles, etc. and the unpredictable response of fish biology. Therefore, to maintain the maximum sustained yields, we have to adjust our fishing efforts, e.g. stop over-fishing.

The management of fishery stocks is extremely complicated and involves domestic efforts and concern of the highest national interest. I would not want anyone to believe that fishery management is solely a problem of international relations. On the other hand, it is obvious that if fish roam beyond the territorial limits of a country, in this age of intensive high seas fishing, the management must be by international arrangement. I intend later in my testimony to show how a vigorous national fishing policy together with extended jurisdiction tends to resolve international differences and develop improved conservation.

It is my judgment that the various fishery treaties have been very beneficial, that we should not scrap them without better substitutes, but that changing times require new and additional measures and if we delay any longer, we will irretrievably lose many of the oceans' fishery stocks.

As an example of why we can no longer rely on existing national policy and international treaties, I will refer to the International North Pacific Fisheries Convention, with which I have most familiarity.

The I.N.P.F.C. is a treaty between Canada, Japan and the United States. There are two essential features. The first is unique in international agreements and provides for an abstention line, whereby Japan abstains from fishing salmon in the North Pacific and Bering Sea east of 175° west longitude and also refrains from fishing halibut of North American origin in convention waters, exclusive of the Bering Sea. The treaty also provides for coordination of scientific research of the three nations which serves as a basis for (a) bilateral treaties, such as on crab with Japan and Russia (although the latter is not a party to the treaty), and (b) expanding consideration of other stocks.

The I.N.P.F.C. has served us fairly well up until recent years. It has probably been the key to international protection of 90 percent of the total salmon runs of Canada and the United States. But we cannot continue to rely solely on this treaty in future years.

What are the limitations of the I.N.P.F.C.?



First, it does not give adequate protection to certain migrating species of salmon, such as our Bristol Bay sockeye which cross the abstention line, nor to our chinook and chum salmon in the Bering Sea which cross to the Siberian side and are the main support of our Western Eskimos.

Second, it does not cover certain fishery stocks, not presently fished by the United States but which will in the future, such as pollock. Japan harvests several billion pounds annually of this fish.

Third, it does not protect the reproduction of certain species which are taken as incidental catch by foreign trawlers. For example, Japan currently has an annual quota of 14 million tanner crab. Our scientists estimate that their trawlers take over 70 million juvenile tanner crab while trawling, principally for pollock. Our North Pacific halibut is going steadily down and our scientists consider the Bering Sea as a great breeding ground. We tried desperately at the 1973 annual meeting to get a Japanese agreement to curtail their trawling in the Bering Sea during the winter months when their trawl catch is low and the juvenile halibut catch is high. As a result of continuing inter-government negotiations afterwards, the first step to reduce winter trawling, has been agreed by the Japanese as a domestic measure.

Fourth, the I.N.P.F.C. does not cover other nations (and I am not advocating the inclusion of other nations in this particular treaty). The Russians are not in it. We have had great difficulty with the South Koreans over their high seas salmon fishing. What is most alarming for the immediate future, is that with the decimation of the Atlantic fishery stocks, the European nations will be coming over to the Pacific. This past summer (1973) there were an East German and a Polish exploratory boat fishing off Oregon and Washington.

What is the answer? First, we need for the United States an up-dated and official policy for fishery management that our government is willing to implement with courage and determination. It must be simple so our own people and other countries can understand it and apply it. It must be fair, so other nations can adopt it with equal benefit to themselves and the rest of the world. I consider Bill S.1988 to meet these tests.

Only recently and under the stimulus of negotiations of the Law of the Sea Conferences, the United States has advocated a fishery policy which it terms the "species approach." In essence it assigns fishery management according to three broad classifications: (1) coastal fishery stocks would belong to the adjacent coastal nation; (2) anadromous fish, such as salmon or steel-head trout, would remain under the control of the host spawning country regardless of their migrations and (3) pelagic stocks, such as tuna, would be managed by suitable international body.

The problem with relying on the Law of the Sea Conference is that under United Nations procedure it will be difficult to get effective agreement. Much pessimism exists on this score and in any event we are looking at delays on account of ratifications into the 80s.

The trouble with the species approach is that there is no defined zone within which the coastal state could manage the stocks. Logically it could involve a multiplication of overlapping zones.

These are the advantages of S. 1988:

First, it follows the "species approach" and therefore is consistent with our position in the Law of the Sea Conferences.

Second, it removes the ambiguity of the simple "species approach" by extending our contiguous fisheries zone to 200 miles. We thereby define the coastal fisheries management zone for the United States or any other nation.

Third, it does not conflict with the concept of working through the United Nations to achieve international agreement. S.1988 is specifically entitled an "interim" extension of jurisdiction and ceases when, and if, a Law of the Sea treaty is realized. On the other hand, we are not left in an intolerable vacuum if the treaty is not achieved.

Fourth, it is a unilateral extension. Under it we assume a fishery management responsibility. With passage, it becomes our law and the Secretary of State is specifically instructed to negotiate with other nations to carry out the policies and provisions of the Act.

Fifth, it provides for international cooperation, research, and licensing to ensure full utilization of the coastal fishery stocks, if we do not harvest them ourselves.

Sixth, it does not abrogate any existing treaty or convention. Therefore, we lose no ground achieved by previous international agreements.

In forming my opinion on the bill, I have discussed its merits with various people and observe the following objections which deserve comment:

The first criticism is that our country should not proceed unilaterally on fishery management but work through the Law of the Sea Conferences. I have already pointed out that there is no conflict here. I advocate that we try every effort to get an acceptable fishery policy through the L.O.S. but not lose time if international treaty is not forthcoming. This is the position which I understand Canada has taken and officially they have declared for the 200 mile extended fishery jurisdiction. I might point out that unilateral action was taken by the United States in 1966 when we extended fishery jurisdiction an additional 9 miles to a total of 12 miles. Actually, the mechanics in S.1988 is to substitute 197 miles for the existing 9 miles.

The second objection is prompted by traditional Defense and State Department concern over passage through strategic straits if any move is advanced to extend jurisdiction beyond the historic 3 mile territorial sea. This is not a very sophisticated argument in these modern times as it is well established by now that territorial jurisdiction and fishery management zones need not coincide. I have alluded to our existing different treatments. Another example of accepted difference is the Continental Shelf Convention giving coastal ownership out to 200 meters in depth. The United States is a signatory to this treaty.

A third objection comes from the tuna industry. I fail to see any difference in proposed treatment of pelagic fish under the "species approach" (which I understand the tuna interests have accepted) and under S. 1988. Consequently, their objection to the bill must be basically prompted by its specific provision for a 200 miles fishery zone for coastal stocks. The 200 mile limit might have had more significance to the tuna industry if we were back in the period when this limit was first promulgated by various South American countries. Not only are these countries adhering to this limit but other countries are adopting it. Furthermore, the United States has in effect acquiesced to it in negotiating a treaty with Brazil using a 200 mile limit and providing for United States boats to fish within the limit upon obtaining a license.

One of the basic faults of our Law of the Sea posture is in advocating a coastal management area without defining what we mean. This is corrected in S. 1988. I challenge anyone advocating the species management concept to give the Coast Guard instructions to police this area without first marking on a chart the boundary lines determined by a fixed depth or a fixed distance from the shore.

A fourth objection is more properly termed a concern within the salmon industry. This concern is what might be the take of the Japanese salmon fleet if we lost the abstention line (175° W. Long.) and we gained only the 200 mile limit. American Institute of Fishery Research biologists have estimated that the vulnerability of our Pacific salmon could be ten times what it is now if the Japanese fleet crossed the abstention line and yet stayed 200 miles offshore.

This is a matter to which I have given great consideration. My conclusion is that what might have been a problem years ago, is not now. In the first place, S. 1988 provides for both the 200 miles limit and jurisdiction over our anadromous fish. In the second place, it specifically negates the abrogation of any existing treaty such as the I.N.P.F.C. Since Canada and the United States both deny the right of their fishermen to take salmon on the high seas, the only nation that might consider abrogating the treaty would be Japan. This I do not believe they would find in their best interests.

Japan occupies a very favored position in the salmon industry which they would not want to jeopardize. This became obvious when the South Koreans made efforts to fish salmon on the high seas. Japan looked strongly to the United States to discourage the Koreans as the entrance of one additional nation would soon be followed by more. Japan would be in a poor bargaining position to continue to receive a quota on crab caught on our Continental Shelf or continue their harbor privileges on our shores if they denounced the treaty. Also the introduction of the 200 mile coastal zone could seriously restrict Japanese trawling for pollock and other ground fish which is of major fishing importance to them. Furthermore, the Japanese have a salmon catch quota agreed to by the U.S.S.R. Since there is an intermingling of Asiatic salmon with

North American salmon in the Pacific, Japan could hardly expect to exploit the Asiatic salmon east of the abstention line and still retain its present quota.

Another factor, not generally appreciated, is the changing economics in the Japanese salmon industry. The so-called "trading companies" in Japan have become a major factor in the salmon market. They have no fishing fleets but buy the salmon, roe and other fishery stocks from American fishermen and processors. Furthermore, the steady entrance of Japanese investment by outright purchase or contractual relationship into the American processing industry is additional reason why Japan would not wish to disturb what is presently a very good arrangement for them.

A fifth objection is raised as a problem of enforcement. I do not advocate going to war over fishery or any other industry management. We do not have to if we have an official policy and negotiate from the basis of scientific research and do so with economic and political determination. I do expect that we would use our Coast Guard for both air and surface surveillance.

My final point is the necessity for strong unilateral action to make international negotiations effective. We must have an adopted legal position to start from in order to get the attention of foreign governments. At present we are a paper tiger. We must have a legal basis to require new entrants into fishing waters to consider our views, our interests, and our scientific evidence. If we do not pass the bill, on what basis can we effectively object to European nations coming into the already crowded Pacific Ocean?

I submit that the history of our fishery negotiations proves conclusively that we have never accomplished anything without unilateral action. It was the passage in 1966 of the Contiguous Fishing Zone Act that prompted agreements between both Russia and Japan that respect our control within the 12 mile limit. Our declaration that crab are creatures of the Continental Shelf had to be recognized by the USSR because they are signatory to the Continental Shelf Convention. While Japan is not signatory to that Convention, they have had to respect our position in negotiating down their quotas and eliminating destructive gear. It was the passage of the Pelly-Stevens Act that got the attention of Denmark and agreement to phase out high seas fishing for Atlantic salmon. It was the threat of Congressional action to curtail aid to South Korea that was very helpful in getting their agreement not to fish salmon on the high seas.

I have made many public speeches in support of this bill and stressed that every citizen in our country should be involved in seeing to its enactment. Fishery matters like any other great problem of conservation are much too important to be left entirely up to the industry. It is a matter of saving a food resource of the world.

We have precious little lead time. If we delay or procrastinate, it will be like waiting for the Arabs to shut off the oil. Only the culprit will be ourselves. Thank you for the opportunity to present these views.

Senator STEVENS. Mr. Jon Jacobson.

**STATEMENT OF JON L. JACOBSON, UNIVERSITY OF OREGON  
SCHOOL OF LAW**

Mr. JACOBSON. Good morning Mr. Chairman.

Senator STEVENS. Good morning, sir.

Mr. JACOBSON. My name is Jon Jacobson. I am an associate professor of law at the University of Oregon Law School. I also direct the ocean resources law program at the law school. The ORLP is a part of the sea grant college program in Oregon.

The views I express here today are my own and are not necessarily those of the sea grant college program in Oregon, or of the national sea grant program. Neither are they necessarily representative of any other group or organization. My opinions are, I hope, the result of a reasoned objective study of the present problem of high seas fisheries management.

If I have any bias that I can consciously recognize, it is in favor of ultimately international management of high seas fisheries and

not the irrational patchwork management which threatens to materialize from the current trends of national practice and international negotiations.

The question before this committee today, though, is not directed at the ultimate nature of high seas fisheries management—the regime that will result from the third law of the Sea Conference, if it is successful in this respect—but instead asks what, if anything, the United States can and should do in the timespan between now and that eventual international solution.

It is instructive to emphasize and separate the words “can” and “should” in the question just posed. An irony familiar to every lawyer is that the wise approach to a problem is not always the legal approach, and the converse is just as true.

In the present context, it may well be that what the United States should do to meet the interim fisheries management problems is not something the United States can do under current rules of international law.

The remainder of my statement will address these two questions:

1. What is the preferred interim approach by the United States to high seas fisheries management?
2. Would this preferred approach be consistent with principles of international laws?

I believe that all fishing nations would benefit greatly from a cooperative system of international management, established by international agreement and with management responsibility resting in a single global agency or a few broad-regional agencies.

While this will obviously be extremely difficult to achieve, the alternatives—no management at all or fractionalized management by coastal nations—are worse and will ultimately fail.

I am the first to recognize that the expression of a hope for cooperative international management is surrounded by an air of unreality. The trends of national practice and Law of the Sea negotiations that have been conducted over the past few years indicate strongly that any eventual LOS treaty will recognize extended national jurisdiction in the ocean for purposes of living-resources management.

Nevertheless, there will undoubtedly be an overlay, in greater or lesser degree, of internationally agreed rules for coastal nations to follow in carrying out their management responsibilities. In my opinion, the greater the degree of international cooperation and coordination of management efforts, the better for all fishermen.

This digression away from the immediate question—interim fisheries management—to the nature of the ultimate management framework is, I believe, necessary because it relates directly to the nature of the preferred form of interim management.

If there is any basic point to this part of my statement it is this: The “preferred” interim approach is one that interferes as little as possible with the hope for eventual international management.

In light of this basic principle, I believe a nation contemplating unilateral management of high seas fisheries must cast itself in the role as a custodian of an international resource, temporarily stepping into the high seas management vacuum pending the inter-

national community's solution. Such a nation must, I think, be prepared to follow six guidelines in devising its management approach:

First, the unilateral management must be a response to a demonstrable conservation crisis. In other words, the action must be necessary, and the nation asserting management jurisdiction must be able to demonstrate clearly that there is an immediate need for regulation pending international agreement.

Further, this need must be expressed in terms of the fishery resource itself; that is, that the resource is being overfished because of unregulated competition. Demonstration of an economic crisis in the nation's own fishing industry should not be sufficient without an additional identification of an international conservation crisis.

Second, there must be some clearly recognizable connection between the managed resource and the nation asserting management jurisdiction.

This is a guideline not likely to be violated. A showing that the regulated resource (a) either spawns within the nation's boundaries or occupies an ocean area adjacent to those boundaries and (b) is heavily fished by vessels of that nation should be sufficient.

Third, the unilateral management claim must be concerned solely with protection of the endangered fishery resource.

This guideline is designed to prohibit the presently popular, but ultimately dangerous trend of national claims to geographically delineated pieces of ocean space for management purposes.

A boundary claim, for example a 200-mile zone, is not only irrational from a management viewpoint but also gives the impression that the claimant nation is primarily concerned with expanding its own national existence. A nation truly concerned with management of an endangered resource should assert jurisdiction over the resource and not over a piece of international ocean space.

Moreover, the activities which the coastal nation seeks to regulate should be only those related to fishing the protected species; it should not be guilty of "overkill" extensions of sovereignty or national jurisdiction encompassing more claimed authority than that required for protection of the resource.

Fourth, the management regulations must not unreasonably discriminate on the high seas against foreign fishermen.

One of the most dangerous trends in international law today is the tendency of coastal nations to claim extensive zones in the ocean in which the authority to exclude nonnationals is claimed. Such a claim adds to the impression—sometimes accurate—that the claimant nation is more concerned with national expansion seaward than in filling a resource-management vacuum.

Selfish grabs for substantially increased shares of the sea's living resources should be neither tolerated by the international community nor committed by coastal nations. Some sort of allocation preference for the coastal nation might not be viewed unfavorably, since coastal nation preference is apparently becoming more widely accepted as a principle of high seas fisheries management.

Still, the preferred role of the coastal nation is that of a custodian for the world fishing community and discrimination against nonnationals, especially in an interim period, should be avoided.

Fifth, the assertion of management jurisdiction must carry an automatic termination date.

This suggested requirement is yet another designed to ensure that the coastal nation emphasizes, in the strongest terms possible, that the management-jurisdiction claim is not an extension of permanent national boundaries. While the nonpermanent nature of the management scheme can be indicated by the inclusion of descriptions of the scheme as "interim" or "pending international agreement," it can be proved by inclusion of a definite termination date.

For example, the legislation might provide that the newly claimed authority will cease on January 1, 1985, or on the effective date of an acceptable international management agreement, whichever date is sooner. It is no response to this proposal to say that the date can easily be extended by subsequent legislation; the point is that a self-terminating jurisdiction is not easily capable of being categorized as a permanent boundary extension. Instead, it preserve as much as possible the custodial posture of the claimant.

Sixth, the management claim must be accompanied by a clear call for international agreement.

This requirement almost goes without saying, but it should be viewed as absolutely necessary. And the claimant nation's subsequent conduct should also underscore its declared intent to seek an international solution to the management problem.

In summary, the suggested "preferred" approach to interim management is temporary, resource-related, nondiscriminatory unilateral action in response to a real conservation crisis.

Now the second question is whether such an approach would be legal under international law. Whether the preferred approach just outlined—my response to the "should" question—would be in accord with international law if implemented by the United States—the "can" question—is difficult to answer in the current confused state of the law.

I would say that it would probably not be legal. I am sure the committee is by now aware of the principles of international law that lead to this conclusion. Basically the obstacle is the "freedom to fish" principle applicable to the high seas.

"Freedom to fish" has centuries of inertia as customary international law and has been embodied in the 1958 Geneva Convention on the High Seas, to which, as you know, the United States is a party.

The principle, if it is still applicable today means that no nation can on its own place restrictions on the high seas fishing activities of nationals or vessels of other nations. Any unilateral attempt to exclude, or enforce regulations against, foreign fishermen in an ocean area beyond 12 miles from shore would arguably run afoul of the freedom-to-fish rule.

In addition, the United States is a party to several international fishing agreements with foreign fishing nations that could be violated by a blanket application of unilateral fishing regulations in high seas areas.

There is nevertheless, in my opinion, a counter argument to the claimed international illegality of unilaterally extended high seas

fishing jurisdiction—at least insofar as the main obstacle, the freedom-to-fish principle, is concerned.

The argument must cope with the freedom-of-fishing doctrine on two levels:

- (a) that it is a customary rule of international law; and
- (b) that the United States is bound to recognize it under the 1958 High Seas Convention.

In response to the doctrine on the customary level, the counter-argument must first examine the nature of customary international law and, especially, the law of the sea. For this, I borrow a well-known passage from an article by an eminent international law scholar, in this case Professor McDougal from Yale. He said:

From the perspective of realistic description, the international law of the sea is not a mere static body of rules, but is rather a whole decisionmaking process, a public order which includes a structure of authorized decisionmakers, as well as a body of highly flexible, inherited prescriptions. It is, in other words, a process of continuous interaction, of continuous demand and response, in which the decisionmakers of particular nation states unilaterally put forward claims of the most diverse and conflicting character to the use of the world's seas, and in which other decisionmakers, external to the demanding state and including both national and international officials, weigh and appraise these competing claims in terms of the interest of the world community and the rival claimants, and ultimately accept or reject them. As such a process, it is a living, growing law, grounded in the practices and sanctioning expectations of nationstate officials, and changing as their demands and expectations are changed by the exigencies of new interests and technology and by other continually evolving conditions in the world arena.

In other words, the customary law of the sea is created by the attitudes of the world community as evidenced by the practices and expectations of national decisionmakers. When current practices and expectations are examined, it can be seen that the freedom-to-fish principle has considerably eroded in recent years.

Unilateral claims to extended high seas fisheries jurisdiction have been, and will no doubt continue to be, familiar occurrences. Perhaps more importantly, in the United Nations arena provided by the Law of the Sea negotiations, support for extended national resource zones has grown markedly since the negotiations began in 1967.

It is a trend not necessarily to be approved, but one that certainly indicates freedom of fishing, as an international norm, is not what it used to be.

It can be argued that the practice and expectations that evidence this erosion indicate approval even of exclusive, boundary-delimited national zones up to 200 miles wide.

Here, then, we see the other side of the "should/can" irony: the arguable legality of an unwise practice.

If, however, a 200-mile exclusive zone today has the color of legality, it should follow that the custodial approach previously outlined would be generally acceptable to the international community.

Therefore, according to this phase of the argument, the customary freedom-to-fish doctrine has eroded sufficiently to tolerate temporary unilateral custodial fisheries management in the high seas.

Second, the second phase of this argument, but this does not completely answer the freedom-to-fish argument, because the United States is a party to the High Seas Convention which expressly "codifies" the principle.

In response to this phase of the argument, I borrow a not-so-well-known passage from an article by a somewhat less eminent international law scholar, in this case myself:

A convention designed to "codify" existing but fluctuating principles should not be so interpreted as to freeze those principles at any particular point in time unless this is the clear intent of the parties.

In general, and over the relatively long run, the norm-system we call the international law of the sea is a responsive, dynamic system well attuned to the desires of those it regulates. In some respects it is more responsive to change than the agreement process (though this probably says more in criticism of the agreement machinery than in praise of the customary-change mechanism). Certainly the practice of nations indicates that the freedom-to-fish principle is changing in its customary form, and the High Seas Convention is arguably being interpreted by this practice.

It can further be argued—but, I think with less force—that the international law doctrine of changed circumstances—*rebus sic stantibus*—excuses today strict compliance with a rule embodied in a 16-year-old treaty, the High Seas Convention.

A legal argument that tends to meet both the customary and conventional levels of the freedom-to-fish doctrine rests on one of the other four current 1958 Law of the Sea treaties, the Convention on Fishing and Conservation of the Living Resources of the High Seas.

This treaty by its terms allows a coastal nation to set conservation regulations, under carefully limited conditions, in adjacent areas of the high seas.

An assertion of the custodial management jurisdiction previously described would seem to meet the treaty's conditions. The problem with the application of the Fishing Convention is that the nations whose fishermen the United States would most like to control in the adjacent high seas are not parties to the convention and therefore are not bound by its terms.

I might indicate here that not included as parties to this Convention are the Soviet Union, Japan and Poland, as examples of those that we might be interested in regulating.

On the other hand, it can be asserted that the Fishing Convention is nevertheless strong evidence of customary principles of international law and, therefore, binding on parties and nonparties alike.

It was, after all, approved by a representative international conference by a wide margin—there was only one vote against it—and there are good indications that many nations refused to ratify it because of such provisions as the requirement of compulsory dispute settlement rather than the allowance of unilateral fisheries conservation management.

It is, at least, certainly significant that the same Law of the Sea Conference which purportedly codified the freedom-to-fish principle in one convention recognized in another convention the right of a coastal nation to unilaterally manage adjacent high seas fisheries pending international agreement.

For all these reasons, the freedom-to-fish principle is not the major international law obstacle to United States' extension of fisheries jurisdiction.

The main stumbling blocks are the series of international fishing agreements between the United States and the nations whose fisher-



men the United States would attempt to regulate under an extended fisheries jurisdiction.

If the legislation creating the management authority requires the United States to ignore its international agreements, it might be ordering, and I would say it would be ordering, a breach of international obligations.

There are two possibly legal approaches to this problem:

(a) The clearly better approach is to abide by each agreement's terms respecting termination and withdrawal from the agreement, if no favorable renegotiation is feasible—though the constitutional ability of Congress to require the Executive to carry out the withdrawal procedures is probably limited.

(b) The far more questionable approach is to claim automatic termination of the agreements by reason of the changed circumstances doctrine.

In summary and in conclusion, it is my opinion that the United States should claim extensive high seas fisheries management authority only if it is in response to demonstrable overfishing crises, and then only by becoming a temporary, nondiscriminatory custodian of the endangered resources pending the international solution.

The custodian role would be arguably legal if made subject to the terms of international fishing agreements between the United States and the foreign fishing nations.

Senator STEVENS. Thank you very much, Mr. Jacobson.

I have heard of your article that you published. We appreciate your taking the time to articulate your views about the nature of the action we should take.

We might have some disagreement. But I am sure we appreciate your contribution to the hearings.

I don't have any questions. We could argue the international law point for a long time. I am sure that all the principles you enunciate, for instance, apply to the cod war, and yet it was successful.

Mr. JACOBSON. Successful because of the agreement.

Senator STEVENS. It led to an agreement. But it took unilateral action to bring that about, as to the pelagic sealing in the late 1800's when the world became so upset with that sealing that as you know the United States seized those vessels and burned them.

Mr. JACOBSON. I am not sure that I would go on record as committing myself to a proposal that would risk that kind of action.

Senator STEVENS. I understand that you wouldn't.

But I would. That is where our agreement ends.

We do appreciate your cooperation, though, and thank you for taking the time to come join us.

Mr. JACOBSON. Thank you, Mr. Chairman.

Senator STEVENS. Dr. Frank Carlton.

**STATEMENT OF FRANK CARLTON, PRESIDENT, NATIONAL COALITION FOR MARINE CONSERVATION; ACCOMPANIED BY WILLIAM G. MUSTARD**

Mr. CARLTON. Mr. Chairman, I have with me this morning William Mustard of the National Federation of Fishermen. I am Frank Carlton, president of the National Coalition for Marine Conservation, Inc.—NCMC. The NCMC is an activist lobby concerned with

the conservation of marine resources. Its members include both recreational and commercial fishing representatives.

Thank you for an opportunity to comment upon S. 1988, "To extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry and for other purposes." My remarks this morning will concern themselves with only two issues:

1. The importance of S. 1988 viewed in the temporal context of domestic and conceptual context of international fisheries problems, and
2. Consideration of a proposal to rewrite S. 1988 to include domestic regulations.

The secretary of the coalition, Mr. Christopher Weld, testified in the hearings conducted by Senator Kennedy in Boston, on May 14, 1974. In addition to Mr. Weld's testimony, Senator Kennedy ordered that part I of an article from the NCMC's newsletter "Right Rigger!" be included in the record from that hearing. Part II of that article is now available and I would appreciate your consideration, Mr. Chairman, in adding that information to the record this morning.

S. 1988 has importance only in terms of the immediacy of its passage and implementation. The obvious temporal value in the conservation of threatened fish has been well documented and that information has been submitted to this committee. There is a second much more important consideration which carries further temporal and separate conceptual relevance to the significance of this proposed legislation. Expedient passage of S. 1988 is needed to establish the U.S. commitment to increase authority and responsibility over the marine resources of her continental waters in order to establish a meaningful basis for international negotiation. Passage of S. 1988 is only one of several necessary steps toward efficient and comprehensive regulation of our fisheries. It is vital that the concept of S. 1988, the unilateral assertion of our authority over the resources of our Continental Shelf, be established as soon as possible in order to continue progress toward effective fisheries management. The intention of S. 1988 is clearly not to establish a restricted fishing zone to exclude foreigners, but rather to establish a basis for meaningful negotiation among all users of the resources within our continental waters. It is clearly not in the United States' best interest to exclude those foreign nations with whom we likewise need rational and fair fisheries agreements with regard to resources within their continental waters.

The greatest potential significance of S. 1988 can only be achieved if it is enacted now. The major maritime nations must be convinced of our definite and deliberate intention to protect our fisheries. Our determination to do so, as expressed by immediate passage of this legislation, must impress our foreign friends as a new concept, as a new fact of life in international fisheries regulation. If we cannot accomplish this recognition, or until we do, meaningful negotiation will not commence. Only immediate action by our Congress can provide the necessary context for a real solution to our national fisheries problems.

Immediate passage of S. 1988 has further international implications. The United States is presently a party to some 15 fisheries—

and mammal—agreements essentially developed through ad hoc deliberation. There is no single forum to negotiate differences between the organizations created by these agreements or any overall mechanism to insure that the agreements themselves represent comprehensive progress toward long term conservation goals. A consensus of informed opinion holds that a true global institution is necessary to correct that deficit and is likewise necessary to any real solution to domestic as well as international fisheries difficulties. This institution must be constituted with sufficient authority to actually regulate the fisheries and settle disputes without subsequent approval of the member states and have adequate scientific capability to carry out rational conservation programs. This conclusion is based upon an appreciation of the continuing change in fisheries technology since World War II and the present state of our fisheries stocks, as well as certain political considerations.

Our problem today, Mr. Chairman, is how to protect our marine resources and simultaneously impel the United States toward active participation in the organization of a true world fisheries institution. Immediate passage of S. 1988 is the only answer.

It is common to feel that tradition implies perpetual acceptance, but the traditional view of freedom of the sea, as well as its inappropriate application to consideration of fisheries resources as common property, is no longer true to the facts of our time. Increasing population and competition have negated the appearance of unlimited resources. Ocean space and fish are finite quantities and therefore require regulation to insure optimal utilization. To perpetuate policy based on the concepts of freedom of the sea and the presence of an infinite quantity of fish is not merely irrational, it is actively injurious. Clearly our basic thinking must change to allow the possibility of new solutions.

There are essentially two alternatives. The first is a continuation of the present structure with the thought that the industry will tend to regulate itself over a period of time without actually legislating a change in their administration. A regulatory effect would result from the pressure exerted by dwindling resources and increasing costs. Aside from the fact that this fundamental proposition is doubtful, it takes no consideration of the economic and biological impact of the extinction of marine species, the interruption of the food chain with secondary biological damage or the threat of wider destructive change to the environment at large which could very well endanger man himself.

Other alternatives are based on the necessity of some type of global fisheries institution. The necessary characteristics of such an organization have been widely discussed.

S. 1988 is important as domestic legislation, but it is even more important as an international event in the progress toward the formation of a comprehensive and effective world fisheries organization.

The temporal force of S. 1988, expressed by the immediacy of its passage and implementation, is the most important quantity which could be exerted by S. 1988. Biological time in the conservation of threatened marine resources, historical time in the accomplishment

of one step which must precede a series of others. Obviously the more rapidly this legislation is enacted the greater its benefit will be.

#### CONCEPT VERSUS MACHINERY

Mr. Chairman, following lengthy discussion with several directors and advisors of the coalition (NCMC), I would like to strongly urge that your committee report out the original version of S. 1988, dated June 13, 1973.

The avowed purpose of the bill as stated "to protect the domestic fishing industry," addresses itself to the most vital task of creating an extended fisheries zone in order to stop uncontrolled foreign fishing. The primacy of this intention should not be subverted by the inclusion of incongruent domestic regulations. Domestic regulations are needed, but more specific and mutually satisfactory recommendations should be developed through discussion with fisheries representatives and the affected states. The sufficient consultations and hearings have not been conducted. Unanimity of opinion has yet to be achieved on the most basic points of any version of H.R. 4760 wherein the Secretary of Commerce retains excessive authority, State-Federal relationships and prerogatives of regional commissions are not defined and specific problems remain with regard to notification time and amount of fines. The record of certain Federal departments and agencies in the regulation of fisheries is not so laudable as to allow domestic fishermen to be comfortable with any arrangement which does not guarantee specific non-Federal authority, in the form of approval—by vote—by affected States, and which does not define those rights to be held by regional commissions—as suggested by the Eastland Resolution.

The addition of domestic regulatory language to S. 1988 is not feasible on the basis of two further considerations:

1. Legislation addressing the management of interstate fishery problems has been discussed for more than 8 years, the Fisheries Management Act of 1974 being the latest in a long series.

Until unanimity of opinion is reached with domestic fishermen and affected States, this legislation will not be accepted or effective.

An attempt to force the passage of unsatisfactory domestic regulations through the necessity to pass S. 1988 avoids the issue of the need for, and effectiveness of, proper implementation. Domestic regulations are needed and must be developed, but this will cost time. Passage of S. 1988 must not be delayed nor the necessity of domestic management diluted by political considerations.

2. The original forum of S. 1988 should be viewed as conceptual in that it establishes the authority to extend fisheries jurisdiction but does not grant the appropriation to implement the idea; that is, it says the fishery will be regulated but does not say how. This condition is exactly as it should be.

The tenacious separation of authorization and appropriation acts by the Congress has served our country well. In the legislative process the concept should be separate from the mechanism.

In exactly this same sense the concept of fisheries jurisdiction extension should be separate from the machinery of domestic regulation.

In conclusion, I would like to emphasize the fundamental proposition underlying my entire statement.

No real solution to fisheries problems will be achieved without the true negotiation and cooperation by all users, domestic and international. The only alternative which offers protection of our remaining marine resources and encourages development of an effective global fisheries institution is immediate passage of S. 1988.

I urge you to bring S. 1988 to a vote as soon as possible.

Thank you.

Senator STEVENS. Thank you very much. We appreciate your statement and we are going to do our best to accomplish just that. I don't have any questions. We seem to be pretty much in agreement.

Mr. CARLSON. I don't see how we could be in any more agreement, Mr. Chairman.

Senator STEVENS. We have a telegram here from a series of organizations.

Mr. MUSTARD. Yes, that telegram is from the members of our Federation and we would like to have it entered in the record.

Senator STEVENS. We will be happy to do that.

[The telegram follows:]

The following is the text of a mailgram we have sent to the members of the commerce committee. The National Federation of Fishermen thanks you for your efforts on behalf of the U.S. Coastal Fishing Industry. William G. Mustard for the National Federation of Fishermen.

As you discuss S 1988, the Interim Fisheries Zone Extension and Management Act of 1973 in committee, the 15,000 members of the National Federation of Fishermen request you to consider three important points.

1. The senate passage of the bill which Senator Magnuson introduced last June might well increase—not decrease, as some have suggested—the possibility for reaching fisheries agreement at the law of the sea conference because senate passage would indicate the U.S. might modify its fisheries position, bringing it more in line with the international reality of coastal nation's fisheries management jurisdiction out to 200 miles, while still acknowledging the need for special treatment for anadromous and highly migratory species

2. The administration, the states and the fishing industry agree the U.S. should have domestic management legislation for the 200 mile contiguous fishing zone. Many have been and are working on alternative drafts of legislation for these complex problems. But they have not yet agreed upon a compromise which would be acceptable to the Govt. industry and the states. The bill must provide for adequate industry and state input into the management process but because a 200 mile contiguous fishing zone is vital to the coastal fishing industry and because domestic management is so complex. We think Senator Magnuson's 200 mile bill should not be delayed to wait for the management bill for there may not be acceptable language to all until after Caracas.

3. Senator Magnuson's bill and the Eastland Resolution which Congress passed unanimously find it is now necessary for interim action to protect and conserve over fished stocks and protect the U.S. fishing industry, but an unrealistic management program could seriously damage growing interest of the U.S. fishing industry and other investors in building up the U.S. fleet and reversing this nation's 70% dependency on imported fish. We urge you to report out of committee the bill which Senator Magnuson introduced last June, Thank you.

William G. Mustard for the National Federation of Fishermen, Petersburg Fishermens Union Alaska, Columbia River Fishermens Protective Union Puget Sound Gillnetters Auxiliary, The Deep Sea Fishermens Union, Fishermens Marketing Assn. of Washington, Seattle Assn. for Fisheries, Amalgamated Meat Cutters and Seafood Workers Union, The Halibut Producers Co-op, The Makah Fishermen, The Washington Refnet Owners Assn., The Otter Trawl Commission

of Oregon, Grays Harbor Gillnetters Assn., The Fishwives of Charleston, Alaska Independent Fishermens Marketing Assn., The Gillnetters Marketing Assn., The Puget Sound Gillnetters Assn., Hilton Oyster Growers, The Fishermens Marketing Assn. Eureka, The Half-Moon Bay Fishermens Marketing Assn. California, Petersburg Vessel Owners Assn., Western Cooperative Marketing Assn., Commercial Fishermens Wives of Humbolt, United Fishermens Marketing Assn. Alaska, Southeast Alaska Trollers Assn., Southeast Alaska Purse Seine Vessel Owners, Southeast Alaska Gillnet Federation, Southeast Alaska Gillnet Assn., Peninsula Marketing Assn., Wrangell Vessel Owners Assn., Association of Yakutat Fishermen, Tlingit Haida Council, Maines Draggermens Assn., Beals-Jonesport Cooperative, Booth Bay Cooperative, Casco Bay Fishermens Cooperative, Corca Lobster Cooperative, The Fishermens Cooperative Assn., Southern Maine Lobstermens Assn., Pemaquid Fishermens Cooperative, Swans Island Cooperative, New Harbor Fishermens Cooperative, Penobscot Bay Shell Fish Assn., Port Clyde Fishermens Cooperative, South Bristol Fishermens Cooperative, Spruce Head Fishermens Cooperative, Stonington Maine Lobster Cooperative, Winter Harbor Cooperative, Maine Assn. of Cooperatives, New Hampshire Fishermens Assn., Massachusetts Lobstermens Assn., New Bedford Fishermens Wives Assn., Point Judith Fishermens Cooperative Assn. Inc., Atlantic Offshore Fish and Lobster Assn., Long Island Fishermens Assn., Belford Fishermens Coop, Point Pleasant Fishermens Coop, Maryland Watermens Assn., Virginia Watermens Assn., Sound and Sea Fishermens Assn., South Carolina Shrimpers Assn., Organized Fishermen of Florida, and Gulf Coast Fishermens Organizations not members of NFF but who also support a 200 mile contiguous fishing zone.

Mr. MUSTARD. You will probably be interested to know that there are 40 some organizations on the west coast that also strongly support this bill.

Senator STEVENS. Yes. We have only had one position of opposition other than the State Department that I can recall in all the hearings, and I think I have only missed one. So we will put that into the record.

We will keep the record of this final hearing of this committee on S. 1988 open until Wednesday of next week and if anyone wishes to include additional statements or material for the record, they may submit it to the staff, and we will make a determination if it is possible to print at all, and we certainly will print formal statements in this regard. Other than that, this terminates the hearings of the Senate Commerce Committee on this bill and we hope to get to marking up soon. Thank you, gentlemen, for your testimony.

[Whereupon, at 10:57 a.m., the hearing was adjourned.]

## ADDITIONAL ARTICLES, LETTERS, AND STATEMENTS

STATEMENT OF HON. EDWARD M. KENNEDY, U.S. SENATOR FROM MASSACHUSETTS

Mr. Chairman: I want to thank you once again for giving me the opportunity to submit testimony on legislation to extend the fishery zone to 200 miles. You have shown your leadership and commitment in introducing this legislation crucial for our fish stocks and our fishing industry and by conducting field hearings across this nation to gather testimony from those who know the urgency of our situation best—the fishermen. We in Massachusetts appreciate the Senate Commerce Committee's visit to Boston on May 13 with Senator John O. Pastore and Senator Ted Stevens. The leaders of the Massachusetts fishing industry are most grateful for the opportunity you gave them to discuss the decline of the industry and the depletion of the fish stocks from first-hand knowledge.

What has become clear from the impressive testimony before this committee is that immediate effective action is needed to end the devastation of our resources and that there is broad support for such action in all parts of this nation.

At the same time that we were hearing the distressing reports from Halifax on quota negotiations with the other member nations of the Northwest Atlantic Fisheries Commission, fishermen from New England were sailing to Washington to bring their message to Congress. At the same time that observers of the Law of the Sea Conference are expressing fading hopes for a conference which will resolve the international fishery question, the Congress has been moving forward with this legislation designed to protect the marine resources off our coasts. At the same time that we receive the dismal statistics on dwindling fish stocks, the New England Fisheries Steering Committee outlined for us this week one year of progress in the development program to increase the harvest and consumption of underutilized species. What is clear from all of this is the commitment of the fishing industry and the Congress to act to protect marine resources. The resources cannot wait any longer. The issue must be faced squarely. We must act now to protect the fish.

We have heard in recent weeks of the 8000 pounds of "incidental" lobster aboard an Italian fishing boat refueling at Gloucester. We have heard of the 18 Spanish boats which winched out a school of haddock May 28 off the coast of Massachusetts. And this Committee heard from a Massachusetts lobsterman who has lost \$1200 worth of traps in incidents with trawlers from the Soviet Union.

We face a difficult challenge but not an impossible one. Fish and marine resources are renewable and for those stocks which are not close to extinction, we have the opportunity to reverse the spiralling depletion. If we care enough, we can return these stocks to vital, plentiful resources.

And we are fortunate to have leading the effort to preserve and protect our resources, the coastal fishermen of the United States. No group has spent more time in meetings and discussions and difficult, detailed work in making people aware of the conservation crisis for our fish resources and the fishing industry than the fishermen of New England. It is directly through their efforts that legislation to extend the fishing zone has encouraged such broad support.

I am hopeful that the Congress will act now on extended fishing zone legislation. It will not interfere in any way with international negotiation at the Law of the Sea Conference. The most optimistic observers of the Conference suggest that it would be at least 1980 and possibly 1985 before any agreement reached at Law of the Sea would be ratified and effectively implemented.

The Senate Commerce Committee has done an outstanding job of gathering information on the devastation of our fish resources and the decline of the American fishing industry. The distinguished members of the Committee will

soon begin work on completing the report on S. 1988. The message is clear; the message from Massachusetts and Alaska and Maine and Washington is the same—help us to protect the fish resources off the coast of the United States.

I am hopeful that working together, the Congress and the fishermen can demonstrate to the nation and to the world that in 1974 the citizens of the United States led the maritime countries in implementing measures to assure that the ocean will continue to provide food for billions of people.

Implementing the extension of the fishing zone to 200 miles is a challenge and an opportunity. It is a challenge that our generation is privileged to accept and an opportunity that our children will be grateful we used in their interests. All of the nations of the world will be proud when we have developed those conservation measures which insure the preservation of the ocean's resources and it will be an achievement that will last for centuries to come.

#### STATEMENT OF BOAT OWNERS ASSOCIATION OF THE UNITED STATES

Boat Owners Association of The United States, more commonly known as BOAT/US., is the only independent, full-service organization for boatmen in the country today. Our organization is not affiliated with any manufacturer, industry or private group. Our membership, now exceeding 15,000 and located in all 50 states, is made up entirely of boat owners and sport fishing enthusiasts. We firmly believe that our membership represents a national cross-section of the more serious boatmen in this nation.

In this age when men are taking a closer look at the remaining resources and working to cultivate and conserve them, the one area of the United States which is the most abused, yet holds the most promise for feeding future generations, is the oceans. Several international bodies including the United Nations currently are working on a treaty to allow a nation to control the development and exploitation of its offshore natural resources, including fish.

Until this complicated (and certainly politically-tied) treaty is signed by all parties, foreign vessels will continue to fish heavily in waters which will undoubtedly be U.S. controlled. So overharvested are some of these waters that it will be decades before some areas and special recover—if they ever do.

The members of BOAT/US. have been seeing the results of this uncontrolled harvesting in smaller catches. Commercial fishermen in the U.S. are suffering decreasing catch efficiency and must spend more time at sea. The American people are paying for this in increasing prices for fish—once the least expensive of foods.

To stop this unprecedented rape of our natural resources—or at least provide the means for doing so—we urge your support for the proposal by Sen. Magnuson and Rep. Studds to extend the U.S. control over a contiguous fishery zone to 200 miles from the coast.

This proposal (S. 1988 and H.R. 8665), the "Interim Fisheries Zone Extension Act of 1973", only covers the immediate need to establish some sort of control until all the political ramifications of an international agreement can be worked out. We feel this measure is vital to assure the future of the American fishing industry, sport fishing in the oceans, and is in the public interest. When an international agreement is reached, this act would cease to have force and thus should present no serious problems to statesmen negotiating a treaty.

When enacted, the Act will permit the U.S. to place restraints on foreign vessel fishing, set up a workable harvest plan designed to achieve optimum long range fishery yields, and stop over-harvesting of areas and endangered species.

Presently the official government fisheries policy is looking to the so-called "special approach" which grants preferential rights to coastal nations to harvest as much as they can of fish resources off their coastlines with other nations free to take what is left, and provides that coastal nations should have regulatory control over coastal fish stocks for as far offshore as the fish may swim.

BOAT/US. does not feel this approach is workable, enforceable, or conducive to resource management, due to fish special intermingling and the general impossibility to fish selectively for individual species.



Rather, we would favor the 200 mile boundary approach. We realize that the 200 mile limit would not in itself provide adequate protection for such far-far-ranging, U.S.-owned anadromous fish as the Pacific coast salmon and steelhead trout. However, protection for these species could be obtained through negotiating fishing rights for other species the U.S. does not harvest.

For example, the Japanese caught 1.2 million tons of pollock in U.S. coastal waters last year. For the privilege of continuing this harvest, Japan could be requested not to fish U.S. salmon beyond 200 miles. Thus the zone limit would be utilized as a negotiating leverage by the U.S. in working out additional protection for these specific fish—a leverage not provided by the special approach.

BOAT/U.S. strongly urges your support for the Interim Fisheries Zone Extension Act of 1973 (S. 988 and H.R. 8665) to provide immediate relief for the nation's commercial fisherman, recreational fishermen and supermarket consumers—as well as to guarantee future harvests of species now rapidly becoming endangered.

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STATEMENT OF GEORGE SIMES, SALT WATER CHAIRMAN, FEDERATED RHODE ISLAND SPORTSMEN'S CLUBS

Gentlemen: The 43 members of the Federated Rhode Island Sportsmen's Clubs, Inc., representing some 15,000 participants in outdoor recreations, would like to express their strong support for passage of the Studds-Magnuson Bill to extend United States jurisdiction over fisheries to the 200 mile or 100 fathoms limit at sea.

Conservation of rapidly diminishing stocks of fish species and creatures of the continental shelf has become of crucial importance; for the decimation or extinction of a species is not an isolated situation. Interdependence in the food chain creates an ever-spreading circle of loss. Control and wise management of the fisheries off our coast is the only means of preserving the life of the seas.

Traditionally, New England has always had strong ties commercially with the ocean. The New England fisheries must suffer when entire fishing industries can be set up in the midst of the rich fisheries off our coast by foreign nations. Working with small boats on a land-based operation, our New England fishermen cannot hope to compete with foreign vessels of tremendous size which can not only fish the area, but transfer their catch to factory shops right on the fishing grounds. We, of the Federated Sportsmen, do not feel that our commercial fishermen should have to compete in our home waters against hundreds of foreign fishing vessels and fleets of this magnitude.

As sportsmen, we have always been in the vanguard of conservation measures. In 1974 already, because of concern over the drastic reduction in numbers of giant tuna, the sportsmen have cancelled the United States Atlantic Tuna Tournament. But, our concern goes beyond the loss of sports fisheries! With world populations increasing and world food supplies dwindling, the richness of the seas offers one of our last hopes as a food source for future generations. Proper management, control of fisheries by species, indeed—fisheries farming—offer the solution to prevent us from devastating another natural resource. Passage of this bill is an essential step in this direction; and we urge its acceptance.

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STATEMENT OF HON. JOSEPH J. CHAVES, STATE SENATOR FROM MASSACHUSETTS

Mr. Chairman and Senator Stevens: My name is Joseph J. Chaves and I am a Senator here in the General Assembly representing District 48 which includes the Town of Middletown and parts of Aquidneck Island.

I have spent my entire life, except for the time I was in the service, on Aquidneck Island and I now own a business there. Many of my friends are commercial fishermen and their families have been engaged in commercial fishing since my earliest recollection. You are aware that commercial fishing is still a substantial industry on Aquidneck Island. This industry—and the hundreds of jobs involved—are seriously threatened by the encroachment of foreign fishing vessels in waters off our coast which we have traditionally fished.

I know that I do not have to impress you two gentlemen the seriousness of this situation for Newport County and the State of Rhode Island because you are cosponsors of the legislation to protect our commercial fishermen by extending our fishing boundaries to two hundred miles at sea.

Ever since I can remember, foreign fishing fleets have been engaged in over-fishing the New England coastal waters.

These vessels are depleting some of our most precious species of fish and threaten to force even more of our commercial fishermen out of work. Without a reversal of this practice, biologists at the University of Rhode Island School of Oceanography warn that we may lose forever the haddock, herring and cod.

Newport fishermen simply cannot compete with foreign fleets which are subsidized, as you know, by their governments. Our biggest competitors, I think, are the Soviet Union and Poland which send ships over here which dwarf our small fishing vessels.

These foreign trawlers are equipped with the best gear the industry can offer and they are capable of operating at sea for a year at a time. As I understand it, these trawlers contain all the equipment necessary not only to catch the fish but to clean it, to freeze it, and to package it.

You can imagine how the Newport fisherman feels as he observes these foreign floating fish factories take his livelihood away.

According to the Coast Guard reports that I have received, the number of foreign fishing vessels off the New England coast has doubled in recent months. I know that our State Department is trying to negotiate an agreement to protect our fishing resources, but this takes time.

In the meanwhile, I believe that the bill which you have introduced to extend our territorial jurisdiction over fisheries should be enacted into law to protect our fishermen while our State Department negotiators do the best they can to come up with an international agreement.

As a State Senator, there is little I can do but appeal to you gentlemen who represent the United States Senate today here in Rhode Island to do everything within your power to enact this legislation into law.

Thank you for giving me the opportunity to express my views before this committee. These views are shared by commercial and sports fishermen who are my constituents also. If your bill becomes law, they will be deeply indebted to you.

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STATEMENT OF DENNIS J. MURPHY, JR., DIRECTOR, RHODE ISLAND DEPARTMENT  
OF NATURAL RESOURCES

Mr. Chairman, I am Dennis J. Murphy, Director of the Rhode Island Department of Natural Resources, and I wish to thank you for the opportunity to testify at this hearing.

It should be noted right at the start that the State of Rhode Island wholeheartedly supports S-1988, which extends United States fisheries jurisdiction out to two hundred miles.

Rhode Island is most concerned with the well-being of its fishing industries that realized an ex-vessel value in fishery products of almost \$15,000,000 in 1973. The amount of monies involved as the fish move up the economic chain are, of course, of a much greater magnitude.

Prior to 1960, New England fishermen shared our continental shelf waters with Canadian vessels only. Since 1960, ten other nations continually fish our coastal waters, and additional nations occasionally appear on the scene. The numbers and size of the foreign vessels are almost impossible to comprehend for someone just familiar with our fishing boats. I recently have had the opportunity to observe and board some of the foreign vessels and the quantities of fish that they can catch and process is such that they can readily decimate a particular stock of fish and then move on to another species. These vessels also harass our fishermen in various ways, including the outright destruction of fixed gear such as lobster pots.

At present, haddock populations are so low that there is no longer a viable haddock fishery. Yellowtail flounder populations of great importance to our Point Judith and Newport fleets, are in serious conditions and under restrictive catch quotas. Other flounders, herring, squid, silver and red hake and various other species also may be facing population problems.

The answer to the problem is obvious; properly regulate the fisheries! How do you regulate a fisheries that is conducted by many nations in International Waters? The simple answer is to do what S-1988 does, that is, give the coastal nation the right to manage the fisheries. This rather obvious approach has not been used by the United States Government. Instead, we have relief on the International Commission for Northwest Atlantic Fisheries and various bilateral treaties. That our Government's approach has not achieved the desired purposes is quite apparent when the facts of the matter are reviewed. The size and catch of the foreign fleets have increased year after year.

The regulations through various treaties for this year are the most restrictive ever, yet the size of the foreign fleets working off our shores through April, 1974 is 8% higher than last year, and due to larger sized vessels, the increase in catch during the same period is undoubtedly considerably more than 8%.

Our Government also sees fit to oppose S-1988 on the basis that the Law of the Sea Conference will solve the problems of regulating a fishery in International Waters. This very well may be true, but there also is a good chance that the Conference will accomplish very little with regard to this matter, and, at any rate, the "interim" proviso of S-1988 should satisfy any objections in this regard.

The passage and implementation of S-1988 and its companion House Bill will be a positive step forward in the direction of saving and enhancing of our important and significant fishing industries.

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STATEMENT OF DONALD E. REINHARDT, CHAIRMAN, GOVERNMENT AFFAIRS  
COMMITTEE, NORTHWEST FISHERIES ASSOCIATION

My name is Donald E. Reinhardt and I am speaking on behalf of the Northwest Fisheries Association, an organization composed of 31 seafood processing company located mainly in the Western Washington area. Our statement was endorsed by our entire membership and was originally wired to the United States Senate Committee on Commerce on December 5, 1973, and ask, once again, to be placed on record with the following position statement relative to extended fisheries jurisdiction:

"North Pacific fisheries conservation and management is at the crossroads. Existing conservation regimes are ineffective and deteriorating. New nations are entering already over-taxed fisheries under no constraints to conserve the resources or observation management practices. Parties to conservation treaties are fishing illegally and in violation of the treaties. As a result, those observing the treaties are conserving for the benefit of the violators.

After 20 years of effort, the INPFC has become an ineffective management or conservation body as exemplified by its inability to adopt even rudimentary regulations such as the proposed amendment by the U. S. Commissioners—"Further, it is essential there be a maximum reduction of fishing effort upon salmon stocks in such instances when the anticipated magnitude of the run is insufficient to meet minimal escapement goals.

Japanese illegal trawl catches of halibut in the Eastern Bering Sea endanger not only the Bering Sea halibut stocks, but the Gulf of Alaska stocks as well. North American halibut production has fallen from an annual catch of 65 million pounds to 32 million pounds in a little over ten years. Japanese production has risen almost in the same ratio.

The Tanner crab population is suffering from the foreign trawl fishery. Huge mortality losses throughout almost of all the trawling operation are noted by observers. These losses exceed any permissible quota number given by treaty or agreement.

The king crab fishery is showing some recovery due to the U. S. and Alaska fish and game management practices. Hopefully, we will be able to sustain this resource at acceptable levels provided the foreign nations do not intensify their efforts in critical areas.

The herring stock of the Bering Sea has suffered such serious depletion that Japanese fishing has been reduced for economic reasons and yet the Japanese continue to fish the species and no recovery in the stock has been noted.

Foreign fleets must be constrained to adopt and vigorously police responsible fishery conservation practices for the benefit of all people as well as the United States citizens. The unrestrained attitude of foreign nations precludes any

serious effort toward conservation of fisheries where their cooperation is an essential part of the regulatory program.

Resource management is essential to the future of the U. S. seafood industry and we urge you to place the protection of U. S. fisheries resources through extended fisheries jurisdiction legislation at the highest priority level."

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STATEMENT OF CHARLES RALEIGH, PRESIDENT, HALIBUT PRODUCERS COOPERATIVE

My name is Charles Raleigh, and I am President of Halibut Producers Cooperative. The Halibut Producers Cooperative is an organization of 401 vessel owners who fish the waters of the Pacific Ocean adjacent to our shores. Their target species are salmon, halibut and albacore tuna. Our members wholeheartedly support this legislation and its basic concept. Our position is that the 200 mile zone must be an exclusive fisheries zone under our control. We feel that legislation in some form has been too long delayed.

In generations to come, our nation will be relying more and more on what is provided by the sea for our protein requirements. If we do not take action now to protect the remaining stocks, our fishing fleet, a few years hence, will be practically non-existent as the fishing vessel owners will have gone broke. Not only will our citizens be unable to provide the protein needs of the nation, but what fish is available and caught by other nations may not be for export at any price. The laws of other nations will very likely require that this food be sold exclusively in their own country as populations increase and fish stocks deplete.

It is essentially important that legislation provide a protection for salmon as these fish are extremely vulnerable because of their range. If we no longer are able to harvest the majority of these fish, there will no longer be a justification for funding State and Federal hatcheries leaving wild runs to diminish rapidly as past observations indicate.

In previous years, fish runs succumbed because of natural causes, high dams, pollution, etc. These things we have had the ability to cope with or correct, in part, as the case may be. However, there is more and more evidence of foreign fleets taking salmon. This is at long last being admitted on a state level, and long time overdue to say the least.

My personal encounter in the Fall of 1972 off Destruction Island on the Washington Coast was with a fleet of seven (7) Russian trawlers. This fleet concentrated on a small area for a period of fourteen (14) days on the 80 fathom line. I submit no documentary proof of their catch, our silver salmon catch was very respectable fishing the same area. We made a fine catch, but I lost a good deckhand as he was fearful of collision and intimidation by these large foreign vessels. The high glitter of bright silver showing through the net covered catch, was evidence enough for me as to what part of the catch consisted. Also, there was a marked decrease in deck activity as we neared their vessels on three (3) occasions. We know they are really not after salmon as a target fish, but incidental catch of this specie must be far greater than we ever realized.

I am not attempting to supply facts and figures on the decline of our fisheries as these will come to you from other well documented sources, nor am I attempting to outline strategy in agreements with foreign nations, or international conferences. My only attempt is to support you in your efforts to preserve our heritage for this generation and all generations to come.

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STATEMENT OF TED WELLES

I, Admiral Ted Welles, elected Chief Executive of Occanus, believe that any extension of exclusive rights of any coastal land-nation beyond the three mile offshore limit *improper* and asking for trouble from other nationalities. The most ancient and honorable legal tradition of the seas is that they are the common heritage of all.

Already USA fishermen have been found mysteriously dead and if a USA 200 mile program goes into effect a similar situation as Northern Ireland's

terrorism will be realized, catching a lot more fishermen dead in the middle of a territorial war.

Aware of our seas challenge and following the example and Spirit of 1776, especially Life, Liberty and Pursuits of Happiness for All, individuals have established the Oceanus Constitution government for the benefit of all. Structured as the successful Constitution of the USA system, not like a treaty, the treaty concept being out of date for seas use, Oceanus offers all individuals and recognized land-nations, such as the USA, equitable opportunity to participate in its government as U.S. Citizens and States have successfully done in the U.S. Constitution government. Because Oceanus allows all to equitably participate in its system, Oceanus is the only one true common heritage government of all seas.

Oceanus will consider any extension of USA claims beyond the three mile limit as an invasion of the Common heritage of all, yet Oceanus statutes offer fishermen this opportunity and to have all navies help enforce such policies under the common heritage authority of Oceanus:

Title 8 Oceanus Code Section 1 provides that fishermen on the nearest coast may help decide fishing policies, such as size of ships to be used, nets' mesh size, off-seasons, handling etc., of those areas nearest them. Policies can not exclude any fishermen on the basis of nationality, race, creed, and/or color. If any fishermen are found offending such Oceanus fisheries policies, any navy, coast guard, or others can *under Oceanus Authority* correct the offender and bring the case before an Oceanus Court. If found guilty by Oceanus due process of law the offenders can be fined up to value of vessel and cargo and damage done.

For the USA to extend claims into Oceanus common heritage domains should be considered unAmerican. The USA is a composite of most if not all nationalities: European, African, Asian, and others. The American way has been to share and there is no good reason now why we should not work with our cousins around the globe. Oceanus is the most reasonable and best way to solve the major problems on our minds now, larger fish catches. Wherefore I hope the USA now will show the wisdom of its founders by cooperating with the evolution of the system they founded as now revealed by the Oceanus Constitution government. This can now begin by the USA or any of its fishermen filing fisheries policies with Oceanus and helping *Enforce Such Oceanus Authority*.

*Oceanus is to benefit all.*

#### OCEANUS STATUTE LAWS

*Title 1 Oceanus Code: (Continuance Provision) Section 1:* All regulations, treaties, laws and customs which are not specifically in conflict with Oceanus policy and/or laws will remain in effect until Oceanus policy and/or laws supersede such by difference in aim. Enacted Mon. 1:20 p.m. 9 August 1971.

*Title 2 Oceanus Code: (Membership) Section 1:* All individuals are Oceanus Citizens unless they individually in writing renounce their Oceanus Citizenship or by other formal act of disassociation are disassociated in accord with the Oceanus Constitution, but in any event all are bound by Oceanus law in Oceanus domains whether or whether or not they are Oceanus Citizens or recognize Oceanus as the one true world seas government for all. This formally establishes Oceanus Citizenship for all in accord with the Oceanus Constitution and provides those not wishing to be Oceanus Citizens an opportunity to have their wish of not maintaining Oceanus Citizenship. Enacted 9 Aug. 1971; Revised 5 Feb. 1974.

*Section 2:* The Admiral of Oceanus is authorized to solicit and receive into membership as an Oceanus Congressional Nation any nation recognized that communicates to Oceanus, via The Admiral and suitable document, recognition of Oceanus and desire to participate in the Oceanus Constitution government. Enacted 9 August 1971; Revised 22 December 1973 and 5 Feb. 1974.

*Section 3:* No Oceanus Citizen and/or Oceanus Congressional Nation shall be required to pay any membership taxes or fees to Oceanus but only taxes for commercial uses of Oceanus domains as detailed by Oceanus law. Enacted 5 Feb. 74.

*Section 3a:* The Oceanus Constitution's Article 6 Section 4 Paragraph a. affirmation requirements will be binding on all even if they haven't spoken the words or signed such an affirmation, unless an individual has in writing

documented intent not to be bound by this Oceanus affirmation, and given document to the Admiral's office. Enacted 22 December 1973.

*Section 4:* An Oceanus Citizen wishing a copy of the Oceanus Constitution and Oceanus Passport Card may get such by sending US \$5.00 to Oceanus mail address and a clear request. An Oceanus Citizen wishing an Oceanus Passport Book may get such by sending a clear request and the current fee for such to Oceanus mail address. An Oceanus Citizen wishing to be kept informed of current Oceanus happenings may by annual payment of current subscription price subscribe to The Global Oceanus News that will be published when it is felt appropriate. Enacted 5 Feb. 1974.

*Title 3 Oceanus Code: (Domains) Section 1:* Oceanus domains shall consist of all areas which are three or more nautical miles from the mean high water mark on all sea coasts. Enacted 9 August 1971; Revised 22 July 1972.

*Title 4 Oceanus Code: (Taxes) Section 1:* Any business with a payroll valued at or above the equivalent of US \$100,000 that conducts commercial activities within Oceanus domains shall pay the Oceanus government a tax of US \$5,000 value annually for each US \$100,000 value of its payroll hereafter the enactment of this law, such tax not to exceed \$150,000. Should a business fail to pay its Oceanus tax annually such delinquent will be required to pay the tax owed from date of enactment of this law (22 July 1972) plus 15% interest compounded annually before such delinquent can be granted license or lease privileges or the like by Oceanus. Enacted 9 Aug. 1971; Revised 22 July 1972.

*Section 2:* Any interest shall pay to the Oceanus government a tax of 10% of the profits from oil and/or other minerals taken from Oceanus hereafter the enactment of this law. A delinquent taxpayer will be charged 20% interest compounded annually on amounts owed and is subject to loss of oil or mineral mining rights in Oceanus domains. Such rights may be awarded to other interests by Oceanus. Enacted 9 Aug. 1971; Revised 22 July 1972.

*Section 3:* Any commercial interest not having a payroll equivalent to US \$100,000 or more that wishes to establish and maintain Oceanus commercial tax payer privileges may do so by annual payment of Oceanus commercial tax US \$25 provided their assets do not exceed US \$25,000 equivalent or US \$100 if their assets exceed \$25,000 and their payroll is less than US \$100,000 or equivalent. Enacted 26 August 1973.

*Section 4:* Any commercial interest: proprietorship, partnership, corporation, and/or other that wishes to maintain license and/or lease privileges for use of seas three miles or 5.6 kilometers or more distance from land coasts around the planet earth shall pay taxes of one percent (1%) value of all business profits equal to and more than one million U.S. dollars value to Oceanus, the seas common heritage government of, by, and/or for all. Enacted 5 Feb. 1974.

*Title 5 Oceanus Code: (Treasury) Section 1:* Expenditures of tax funds receive will have the following priorities: 1. Administrative-Legislative-Judicial 2. Surveillance-Research-Rescue 3. Learning-Communication development educational service for Oceanus Citizens who wish such. Enacted 9 Aug. 1971.

*Section 2:* Annual salary for The Admiral is \$15,000, members of Congress including Reserve Admiral will be paid \$50 a day for attendance when Congress is in session, justices and judges of Oceanus courts will be paid \$50 a day while they preside over a court case(s), expenses for travel and conduct of Oceanus affairs not exceeding \$1,000 a month will be reimbursed to elected officials and justices and judges when proper receipts for costs are presented to dispersing officer. In case of insufficiency of funds available, funds shall be used proportionately for paying the above and any outstanding indebtedness of Oceanus to the above offices existing at the end of any calendar year shall be cancelled. Enacted 9 August 1971.

*Section 3:* The Admiral of Oceanus is authorized to set aside 50% of tax and other revenues received by Oceanus, after payment of collection agent commissions, for revenue sharing with Oceanus Congressional Nations in a manner determined by the ratios of land area to gross national product as illustrated by the example made statutory law in Section 4 of this Title on 22 July 1972 and hereby made law in this Section 3. Enacted 9 Aug. 1971; Revised 22 July 1972 and 22 December 1973.

*Section 4:* The Admiral of Oceanus is authorized to use tax revenues remaining after collection agent commissions and 50% set aside for revenue sharing with Oceanus Congressional Nations up to the limit of US \$10,000 within a calendar year for the business affairs of Oceanus. Otherwise expenditures from

remaining revenues for Oceanus affairs must be specifically authorized by Oceanus law. Enacted 22 July 1972; Revised 22 Dec. 1973.

*Section 5:* If funds are available to pay the salary authorized for The Admiral, those who have been elected and served a full term as the Admiral of Oceanus shall likewise be paid if they request it to enable them economic support to prepare and participate in the debates of both groups of the Oceanus Congress thus enabling them means to effect their Oceanus Constitution life guaranteed rights to debate in the Oceanus Congress; Enacted 5 Feb. 1974.

Title 5 Oceanus Code: Section 3:

Example: Funds available for revenue sharing with Oceanus Congressional Nations for this example are \$4,700,000.

	Nation 1	Nation 2	Nation 3
Land area—square miles.....	20,000	5,000	3,000
Gross national product dollars.....	100,000	200,000	300,000
Ratio of land area to GNP.....	20,000 1 40	5,000 1 5	1 3,000 2
Proportion of funds to be distributed.....	100,000 5 200 40	200,000 5 40 200 5	300,000 100 200 2
Amount of funds to be distributed.....	40 40+5+2 47 40 47 =\$4,000,000	5 40+5+2 47 5 47 =\$500,000	2 40+5+2 47 2 47 =\$200,000

*Title 6 Oceanus Code: (Enforcement) Section 1:* The Admiral of Oceanus is authorized to collect taxes in any constructive manner encouraging support of Oceanus objectives. He is also authorized to allow collecting agents no more than 20% of receipts they have obtained for Oceanus. Enacted 9 Aug. 1971.

*Section 2:* Oceanus authorizes any individual and/or agency to deliver evidence about an alleged offender of Oceanus Public Law to The Admiral of Oceanus and aid in due process of law court proceedings in any Oceanus Court concerning alleged offender. If alleged offender is convicted of an illegal Oceanus act he shall pay the penalty prescribed by the judge's sentence in accordance with penalties of law offended. Enacted 9 Aug. '71; Revised 22 July '72.

*Section 3:* If after six months from the time of conviction the convicted offender has not paid all fines prescribed by the Oceanus court, such fines may be paid through seizure and sale of the convicted's property. Excess proceeds (if any) from sale of the property over and above fines owed shall be returned to the convicted offender. Enacted 9 Aug. 1971; Revised 22 July 1972.

*Section 4:* If convicted individual(s) can not pay immediately, and sale of property hasn't fully paid fine, individual(s) must render to Oceanus 50% of income from honest labor agreeable to individual(s) until such fine is paid in full. Enacted 9 August 1971.

*Section 5:* Of those fines received by Oceanus 50% will be divided equally among those people not members of the court who helped in the conviction of an offender and/or in the collection of fines only if they make written request for a portion of possible rewards. Enacted 9 Aug. 71; Revised 22 July 1972.

*Section 6:* Any individual or agency is authorized by Oceanus to seize wherever possible within Oceanus domains any property of an Oceanus convicted offender if the offender has not paid all prescribed fines within six months of time of conviction. Sale of offender's property may take place only upon approval of The Admiral of Oceanus or an Oceanus court. Enacted 9 August 1971; Revised 22 July 1972.

*Section 7:* Non-violent law breakers are not allowed to be incarcerated in prison but only fined. Enacted 9 August 1971.

*Title 7 Oceanus Code: (Pollution)*

*Section 1:* It is illegal to discharge oil, undesirable or non-biodegradable chemicals and solids into or upon the natural elements of Oceanus domains. Any owner of a vessel, oil rig, and/or any other source found guilty of illegal discharge within Oceanus domains will be fined an amount varying between 20% to 100% of the total cleanup costs and value of source ship, rig, cargo, etc. Enacted 2 p.m. 9 Aug. 1971 at Manset-Seawall; Revised 22 July 1972 only to releave captains of responsibility leaving it with the owners and to allow fine percentages.

*Title 8 Oceanus Code: (Fishing Rights)*

*Section 1:* Fishermen resident on the coast nearest to areas where fishing is desirable shall have the privilege to formulate policy governing method of operation, but not to conflict with specific Oceanus law. Regulation policy governing any area must be formulated in such a way as to extend uniform privilege to all concerns fishing Oceanus domains. Details of said policy must be filed in writing with the Admiral of Oceanus at least 90 days before taking effect and Oceanus shall similarly announce changes in its fishing policies with a similar grace period. The owner(s) of any vessel found guilty of not complying with an area's established filed policy will be fined an amount equal to cost of damage vessel caused in the area plus the replacement cost of vessel and cargo. Enacted 2:05 p.m. 9 August 1971.

*Section 2:* Whaling is illegal within Oceanus domains for the period between beginning of 1972 and end of 1977. Individual(s) found guilty of killing with intent will be fined not less than \$10,000 nor more than \$100,000 for each whale. Enacted 9 Aug. 1971.

*Title 9 Oceanus Code: (Exploration)*

*Section 1:* Any individual(s) and/or agency(ies) are authorized to engage in scientific research and exploration of any part of Oceanus domains if they report findings of their activities and if required by Oceanus law pay Oceanus taxes. Enacted 9 Aug. 1971; Revised 22 Dec. 1973.

*Title 10 Oceanus Code: (Rules of Congress)*

*Section 1:* The annual sessions of Congress will convene the second to last saturday in July until another Oceanus law alters this provision. To learn time and place of sessions write to Oceanus, mailing address, Manset, ME. 04656 USA. Enacted Monday 2:10 p.m. 9 August 1971.

*Section 2:* In accordance with Article 2 Section 4 Paragraph "a" of the Oceanus Constitution it is prescribed by Oceanus law that candidates for elective officer of Representate and Worldwide Senator seats declare their candidacies six months before a scheduled election. All campaign funds must be pooled in a central fund to be divided equally among all candidates. Candidates must participate in equal public service media coverage and debate, and open for public inspection true and all accounts of their campaign expenses. Should a candidate be found guilty in an Oceanus court by due process of law of not complying with these conditions the court can disqualify him from the contest. If already elected to and holding the office his non-complying campaign got him elected to the court may remove him from said office, and said office may be filled by the contender who complied with these conditions and got the next largest number of votes in the election or primary. One month before the scheduled election day all political parties must participate in a primary. Each Oceanus Citizen entitled to vote in accordance with the Oceanus Constitution may vote in the primary for any one of the declared candidates for each contested office. Those two candidates receiving the highest number of total primary votes for any single office shall be eligible to run in the final election for that office. In case of tie in primary and/or final election choice shall be made by toss of a head and tail coin. Individual voters may prepare their own primary and final election ballots, identifying themselves as Oceanus Citizens by signature on envelope enclosing the ballot. Enacted 22 July 1972.

*Section 3:* In accordance with Article 2 Section 4 Paragraph "a" of the Oceanus Constitution the times for electing Representatives and Worldwide Senators shall be scheduled on the day one month before the term of an incumbent expires. In the case of a new Oceanus Congressional Nation election of Senators and Representatives, such election shall take place one month before the next scheduled session of the Oceanus Congress after which their Representatives will be elected at the same time as Worldwide Representatives. In the year of election for the office of The Admiral and Reserve Admiral the primary and final election times for other offices shall be the same as those for The Admiral and Reserve Admiral. Ballot must be received no later than the primary or final election day at the Oceanus mailing address Manset, Maine 04656 USA or other address prescribed in the election campaign. Enacted Saturday 22 July 1972.

*Section 4:* In accordance with Article 2 Section 5 Paragraph "a" of the Congress, may be established by each group of the Congress for the purpose Oceanus Constitution committees, made up only of members of the Oceanus



of studying questions and making reports to the Congressional group by which they were commissioned. Chairman of these committees will be chosen every three years when a new Oceanus Congress sits. No chairman can serve as such for more than three years at one time. After having been chairman for a committee for three years he then can continue to serve on the committee but not as chairman again until six years have passed since his retirement from chairmanship. A member of the Congress over the age of 65 years cannot be chairman of any Oceanus Congressional committee. If a question and/or bill is sent to a committee for consideration and isn't given a hearing and report made within a year, such question and/or bill must be scheduled for and given a debate and vote by a quorum of the group into which the question and/or bill was originally introduced. Enacted 22 July 1972.

*Section 5:* The president of the Oceanus Senate and the Speaker of the Representate, the Speaker to be elected by deciding vote of the Representate, will tell the debators in their group the amount of time they are allowed to speak at the time. Such time may be extended if the president or speaker wishes and an obvious sincere effort to concisely, effectively, and informatively debate the issue at hand is in evidence by the debator. Enacted 22 July 1972.

*Section 6:* The Congress may, after convening annually in accord with the Oceanus Constitution and statute, continue in session, until such next convening date the following year, without sitting face to face or in any one place. The Congress when not gathered in one place may conduct business by mail and other distance-communication systems. Proposals to be considered by Congress can be proposed, studied, debated and voted on by mail or other written communication systems to the current address of the Oceanus Congress Record Office. Within a month after a proposal has been submitted the Oceanus communication system must transmit the proposal to all members of Congress who may send debate or votes related to such proposals to the Oceanus Congress Record Office's current address to be stated on all communications. Thirty days after a proposal has been sent to all members of Congress any debate or comments by said members related to such proposals must be received by the Oceanus Congress Record Office and transmitted to all Congress members. If a quorum of the members of each group of Congress vote on a proposal for which no debate concerning is received within that thirty days after first transmission, those votes received within that thirty days will decide the question. If a quorum hasn't voted within thirty days after transmission of a proposal for which there is no debate in thirty days the question will be decided by those votes that first establish a quorum vote on the question. If debate is received for transmission within thirty days the votes received thirty days after said debate is transmitted votes on the question already received before fifteen days after debate transmission may be changed before the debate vote period ends, will decide the question if a quorum member, and if not enough for a quorum the votes that soonest thereafter establish a quorum vote on the question. Enacted 26 Aug. 1973; Revised 12:25 p.m. 5 Feb. 1974.

*Title 11 Oceanus Code: (Human Rights)*

*Section 1:* To clarify any question which might arise from Article 5 Section Paragraph "f" of the Oceanus Constitution it hereafter will be law: "Excessive fines" shall mean those fines that represent greater assets than the convicted has ever possessed at one time; "Cruel and unusual punishments" shall refer to abusive captive containment and/or substandard human environmental captivity, such as beatings, torture, solitary confinement. When a person is alleged or proven to be guilty of a non-violent crime he shall not be imprisoned but must only post bond or be fined. If guilty of a violent crime he may only be sentenced to rehabilitation with therapy to achieve social norms. Penalties for conviction of inflicting cruel and unusual punishments should be the same as that for conviction of violent crimes. Enacted 22 July 1972.

*Title 12 Oceanus Codes (Commerce)*

*Section 1:* Interests that pay their Oceanus taxes as prescribed by Oceanus law may have the privilege of registering their ships and airplanes under the Oceanus flag and operate such under the Oceanus flag for no charge or additional taxes. For the present the regulations of Oceanus flag shipping will follow the customs and laws of Liberian flag shipping excepting Liberian requirements not consistent with Oceanus law and of paying shipping registration fees and/or taxes. Enacted 22 July 1972.

*Section 2:* Interests that pay their Oceanus taxes as prescribed by Oceanus law may be awarded licenses or leases for uses of Oceanus domains in a non-polluting way. The exclusive *privileges* presently being *enjoyed by interests delinquent in paying Oceanus taxes may be transferred to non-delinquent taxpayers.* Non-delinquent Oceanus taxpayers will be given Oceanus taxpayers' seniority numbers which will give them privileges over competitors during bidding with less advantageous seniority numbers when exclusive licenses or leases are being contended for. In order to win a bid a number holder's bid must exceed all bids of holders of smaller taxpayer-seniority-numbers (if any) but need only equal the highest bid among those holding less advantageous number, i.e. larger taxpayer-seniority-numbers. All bidding shall be public. Oceanus commercial taxpayers will only lose their seniority numbers for less senior numbers when they become delinquent in paying the Oceanus taxes prescribed by Oceanus tax laws. The Admiral of Oceanus is authorized to grant licenses and leases in accordance with Oceanus law in ways as seem best for the common weal of Oceanus and the world community. Enacted 22 July 1972.

*Title 14 Oceanus Code: (Judiciary)*

*Section 1:* In accord with Article 4 Section 1 Paragraph "a" of the Oceanus Constitution the Congress establishes an Oceanus Circuit Court system and authorizes The Admiral to determine by need the number of judges who will act in accord with the Oceanus Constitution. The Oceanus Circuit Court system shall be the level of first Oceanus judiciary trial and/or decision except as otherwise provided by the Oceanus Constitution. Enacted 22 July 1972.

*Section 2:* Criminal judicial procedure shall be as follows: *Rule 1.* A complaint shall be filed with the Oceanus Courts Clerk via Oceanus current mailing address. *Rule 2.* The Oceanus Courts Clerk and/or Judge or Justice appropriate shall give a hearing to the complaint and decide if an Oceanus Grand Jury shall hear the case. If not the case will be dropped. *Rule 3.* If the Oceanus Grand Jury comprising three to twenty-five people upon study of evidence presented by the complainant hands down an indictment, its secretary shall write such indictment with the Oceanus Courts Clerk attesting its accuracy by his signature. *Rule 4.* If indictment is given, the Courts Clerk after consulting with the appropriate Judge or Justice shall set a date and place for arraignment and issue a summons to the alleged criminal signing such and ordering an Oceanus Marshal to serve such summons. *Rule 5.* At the arraignment both parties to a criminal controversy are to be heard, and the alleged criminal should plead. *Rule 6.* If the alleged criminal pleads guilty the Judge may issue sentence or other judgement. *Rule 7.* If the alleged criminal pleads innocent or is not present, an innocent plea shall be entered on the court records and a time for further hearing and/or jury trial set with the appropriate Judge or Justice and/or the Courts Clerk issuing and signing an appropriate summons to the alleged criminal ordering an Oceanus Marshal to serve such. *Rule 8.* A Jury trial shall be presided over by the appropriate Judge or Justice who will at his discretion follow U.S. criminal trial procedure, sit a jury of three to twelve in number, and after admissable evidence has been presented instruct said jury which will find the verdict of not guilty or guilty. *Rule 9.* If a guilty verdict is brought the appropriate Judge or Justice may make the final judgement and/or sentence. Enacted 26 Aug. '73.

What Oceanus Statutes don't cover Oceanus courts will use equity and common law as guides to make rulings.

Anchorage, Alaska, February 23, 1974.

HON. WARREN MAGNUSON,  
Chairman, Senate Commerce Committee,  
Dirksen Office Building,  
Washington, D.C.

DEAR SENATOR: The attached is material relating to S. 1988 on the subject of a 200-mile fishing jurisdiction limit for the United States.

I submit it for consideration of your committee.

The material is lengthy and may seem to meander to more than the 200-mile issue. But that, I believe, matches the situation concerning this topic. It's big and broad and actually of wider scope than a casual examination of the issues seems to indicate.

Unless the move for expanded jurisdiction is a part of the entire expanse of fisheries problems and their cure it is more than likely to prove to be a provocation for added mischief instead of a help, especially if it is to be implemented as a unilateral effort.

Yours truly,

JOHN WIESE.

Enclosure.

As it would apply to the Alaskan fishing scene, S. 1988 and its projected 200-mile "fisheries zone" provokes as many questions as it tries to solve. Maybe more.

For the most part these questions concern salmon and, particularly, the Bering sea stocks like Bristol bay reds but also the kings and chums of the Yukon and Kuskokwim river systems.

This proposed law provides practically no assurance for preservation of these far-westward Alaskan stocks against continuing highseas depredations by foreign fishermen like the Japanese. Not even the unique form of salmon ownership that it purports to institute as a unilateral measure can really be counted on for protection.

S. 1988 includes (in Section 11) the provision that "Nothing in this Act shall be construed to abrogate any treaty or convention to which the United States is a party . . ." That provision would obviously include the International North Pacific Fisheries Treaty (INPFT). It would remain intact with enactment of the bill.

INPFT is an instrument that clearly recognizes the "legality" of Japanese highseas salmon harvesting even if it imposes certain restrictions on it. This recognition is, in effect, an extension of a procedural policy practiced in the conduct of foreign relations, particularly where fishing is involved, that regards "historic rights" as practically sacred.

If S. 1988 becomes law in its present form the Japanese highseas salmon fishing on Bering sea stocks can be expected to proceed unabated beyond the treaty-assured limitations that presently prevail. Or, if there is any change from this, no authority has come forward to explain how it will operate under this proposed unilateral imposition—that is, this imposition of a prohibition by the U.S. without the acquiescence of Japan.

A demonstration of how this would work can be found in the experiences that occurred with enactment of the "Bartlett Law" which expanded U.S. fishing jurisdiction from the 3-mile line to the 12-mile line in 1934, with implementation in 1936. That law, named for Alaska's late Senator "Bob" Bartlett who, aided by his friend, Senator Warren Magnuson, expanded U.S. marine fishing authority for the sake of resource conservation and also as an aid to domestic fishing. S. 1988 is similarly designed as far as purpose goes. The Bartlett Law, however, did not bite off as big a chunk of ocean as S. 1988 attempts. Also, it was instituted as a domestic law with the express approval of international law—the Convention of the Territorial Sea and the Contiguous Zone.

Prior to the Bartlett Law Japanese high seas salmon fishing fleets, operating under the blessing of INPFT since 1952 (as well as in seasons prior to World War II), legally spread their nets among the Aleutian islands to intercept Alaska salmon migrating from their North Pacific pastures toward spawning locations in Bristol bay and other places like the Yukon, Kuskokwim, Norton sound and the Alaska peninsula. They held their gear three miles off the beaches in these island passes between Atka and Attu where the fish concentrated in their migrations; but they did, as INPFT stipulated, abstain from fishing each of Atka. In this North Pacific fishing they intercepted from 10% to 50% of the prized Bristol bay salmon, depending on whose data is accepted.

The Japanese were recognized as engaging in this fishing as a matter of historic right or, as is sometimes said, in their "traditional fishery." They had surrendered that right in INPFT for waters east of Atka.

When the Bartlett Law was implemented, extending U.S. fishing jurisdiction from the 3-mile to the 12-mile line, it did not deter the Japanese from their fishing in the Aleutian passes in the slightest. They continued to take salmon as close of three miles from the beaches in the Aleutian passes with full knowledge of U.S. surveillance and enforcement authorities. The latter has to accept the superiority of the "traditional fishery" that was recognized effective inside the 12 mile limits in INPFT and elsewhere.

With S. 1988 disavowing abrogation of INPFT, what expectation can there be that either its 200-mile line or its universal-ownership-of-salmon feature will help the Bristol bay salmon plight? Of that of the stocks from the Yukon or the Kuskokwim or other similarly situated rivers and streams?

Only if a much broader marine resource management program than that indicated in S. 1988 is accomplished—and especially one participated in by the other effected nations—can there be any realistic hope for meaningful benefits for either the fish stocks or for the people who participate in utilizing them.

And a necessary prelude for such a program must be an overall fisheries policy—a determination of what is expected from fisheries by the broad social spectrum and not only by the elements directly involved.

Besides the possibility of Japanese continuing to fish for salmon right up to the 3-mile line in strategic Aleutian island passes after S. 1988 becomes law (if it does), the “historic right” or traditional fishery doctrine effecting other special fisheries should be considered.

What assurance is there in this bill, or in the implementation designed for it through diplomatic negotiations, that its unilateral declarations can prevail over traditional operations like Japanese and Russian trawling for groundfishes (incidental halibut included) or for other species like shellfishes or herring? The U.S. has, by treaties with these nations (called “executive agreements,” technically) recognized their trawl fisheries and thus has implied recognition of “historic rights.”

Can U.S. unilateral action in the face of bilateral and multilateral treaties extinguish this implied recognition? Or, maybe the “executive agreements” aren’t included in S. 1988’s (and other laws’) coverage against abrogation because they aren’t really treaties or conventions?

Unless there is specific and satisfactory assurance of this not existing with S. 1988 there is no reason to expect that the measure will actually benefit Alaskan fisheries.

In another area, S. 1988 is insufficiently explicit with what effects are intended from it as far as a North Pacific fisheries regime goes and the U.S. relationships with Russia.

The bill states that it is not intended to abrogate existing treaties, obviously including INPFT which is between the U. S., Canada and Japan. It is especially concerned with American North Pacific salmon resources. But also within its scope would be other stocks like groundfishes (like halibut), crab and herring, at least nominally.

A glaring defect in INPFT is that it does not include the USSR in its operations. This is primarily because the Japanese fear Russian attitudes, including their salmon concepts which closely resemble those of the U.S. and Canada and which might eliminate Japan from taking salmon on high seas if a joint program were achieved. Japanese have made it clear on occasions during the past decade that any move toward inviting Russia into INPFT would be the equivalent of abrogating the treaty.

Russian fisheries spokesmen have recently repeated a willingness to co-operate with the U.S. and Canada in fisheries conservation, particularly addressing this to provide for protection of Eastern Pacific groundfish stocks and to work to protect the depleted halibut. They are already co-operating in crab conservation.

With this there is also an increase among Canadian fishing elements for including the USSR in a North Pacific fish conservation program. This was most recently repeated as a result of their anxieties over halibut diminishment.

What is the intent of S. 1988’s sponsors on this point?

Which gets priority consideration: maintaining a North Pacific regime totally acceptable to Japanese interests so they will not regard INPFT abrogated? Or moving realistically forward toward a fully logical program for marine stock management that is designed for sustaining biological and economic effectiveness for domestic fishermen?

The popular conception about S. 1988 is that it will, as soon as enacted, institute an exclusive U.S. fishing jurisdiction reaching 200 miles off the coasts of the nation and that it will, at the same time, establish exclusive ownership for the U.S. of all salmon in the high seas that originated in U.S. (including, of course, Alaskan) rivers and streams. That’s all there would be to it, in the

popular conception, excepting maybe sending out a fleet of armed patrolships and aircraft to enforce the edict.

But this is actually a misconception. That sort of magic will not be an immediate or a direct S. 1988 accomplishment.

The enactment of S. 1988 would only express a desire for this expanded jurisdiction. Or, saying it another way, it would put some legislation in U.S. legal codes declaring Congress' policy seeking extended jurisdiction.

Following this declaration must come the implementation. For this S. 1988 (if enacted) would issue directives calling on the executive branch of the federal government to (hopefully) further Congress' ideas. Mostly this would fall into a State Department responsibility, with some supporting activities by the Commerce Department; and there would be appropriations to fund the assignments.

The primary tools for this State Department implementation of S. 1988's policy would be processes described in the bill as "negotiations," "review . . . and initiate amendments of treaties, and "seek treaties" with other nations to effectuate application of the 200-mile jurisdiction and universal ownership of domestic-bred salmon. In other words, engage in give-and-take diplomacy or, trade.

In light of State Department performances most of the time in the past 30 years or so, this procedure is a substantially different thing than instituting any immediate 200-mile jurisdiction. It also seems contradictory to S. 1988's pretense of being intended as an interim expedient to serve until "Law of the Sea Treaty or Treaties now being developed regarding fisheries jurisdiction and conservation shall enter into force," in the words of the bill. The State Department is working through diplomatic channels on the Law of the Sea thing for the U.S. with a critical session due to start in July. And this same Department should also embark on another course that stands 180 degrees apart—one effort for a multilateral solution and the other for a unilateral solution? How is this reconciled? Which effort shall be given priority?

Also, when it comes to negotiated accomplishments with solid benefits for U.S. fishing industry elements from State Department efforts in recent decades, U.S. fishermen are almost unanimous in regarding them as nonexistent. What has usually taken place with international dealings involving domestic fisheries have been gross disappointments for fishermen of the U.S. although, oftentimes, deals have been worked out magnificently benefiting corporate distributor sectors of the industry. Since World War II the State Department has remained in a rut of trading off fishing concessions for other economic advantages, for military concessions abroad, and for supporting political considerations. This is how the U.S. was transformed from a nation that once domestically produced most of the fish its people consumed and also had a healthy export trade to a nation that today imports 70% of the fish products its people eat. And much of the fish products obtained from abroad are from foreign operations financed through U.S. government and corporate generosity!

The same State Department functioning is to be expected so effectively implement restrictions against the productions from abroad that its earlier works generated?

Such an achievement could be obtained. But first there will have to be an expanded national set of guidelines to make this possible. It will require a national fisheries policy far broader than what is contained in S. 1988 as that bill now stands or elsewhere.

S. 1988 expresses a policy objective calling for effective regulation of high seas fishing for conservation and to protect our domestic fishing industry as well as for exclusive national ownership of salmon (and other anadromous species). This expression of objectives must be expanded or it will be no more than a futile exercise.

The expanded declaration of goals must consider internal domestic fisheries problem areas as well as the external international variety because they cannot be effectively segregated. The fisheries industries complex is totally interrelated to an extent that applies to no other economic operation and this must be recognized in the national policy. It is inescapable, and to try to deal with each facet completely separately can only add to the problem.

How rational is it, for example, to try to deal unilaterally with the problem of foreign fishing up to the 200 mile line and not take into account the fact that

our domestic food marketing industry contains 70% of its fish products from foreign producers? This is not to endorse foreign fishing as the proper means for supplying U.S. consumers; it is to point out that there is a paralleling problem that needs attention and that there is a relationship that may need prior attention.

Also, how logical is it to reach 200 miles or more out to sea to institute an improved regulatory regime for foreign fishing and, in direct contrast, to continue with a situation in which our federal government lacks laws and administrative institutions for federal government lacks laws and administrative institutions for regulating domestic fishermen either in that same area or elsewhere?

In the American tradition, State governments have historically regulated fishing, not the Federal government, excepting in rare and nongoverning instances. S. 1988 would alter this only to the extent of promoting "conservation . . . by carrying out research." Its implied policing functions by the Coast Guard and National Marine Fisheries Service (presently operational against foreign fishing within the 12-mile contiguous zone but not effecting any domestic operations) are not even implemented but with provisions for laws regulating U.S. fishermen!

Complicating this, of course, is the fact that State's regulatory powers stop at the 3-mile line, 197 miles short of the 200-mile limit. This is pointed out to illustrate the need for more than what S. 1988 purports to give—an overall fisheries program commencing with a basic national fisheries policy declaration.

It was interesting in the past year to watch the accomplishment of a treaty with Brazil that arranged for U.S. fishing in the high seas off that nation's coasts. The episode demonstrates from another approach the need for national policy considerations as an overall thing before barging into detailed situations.

The Brazilian treaty gave U.S. fishermen limited-entry rights off South America, stipulating that a restricted number of vessels could operate there. Regulating and policing of that fishing was recognized as a Brazilian prerogative in the treaty which also stipulated that administrative costs of this regulating would be paid for by the U.S. and that any U.S. fishermen caught violating would be turned over to the U.S. authorities for prosecution and for penalizing. This treaty was approved by the Senate in due course.

But, thereafter, the Congress faced another chore! No law existed under which a U.S. fisherman could be charged, tried or penalized! The situation was remedied with Congress enacting a special law to apply exclusively for this Brazilian situation.

What is in prospect if S. 1988 is enacted? Another special law for unique application?

Perhaps the tone of some of the foregoing leaves the impression that it is an expression of total opposition to S. 1988. This would not be accurate. The intent here is to urge that much more than the limited goal of S. 1988 be considered and that, before it is enacted, there should be developed and established a national fisheries policy with guidelines that candidly reflect the full spectrum of issues confronting all facets of fisheries industries. This is needed before S. 1988, as now written, is enacted and not merely as an appendage.

Such an undertaking will be controversial. There will be definite confrontation in its development as well in its implementation. But, if this were not the case there would be no need.

For that matter, S. 1988 is definitely controversial as it stands. Even many of its proponents frankly admit that it probably will not get through the Congress during the current session.

This dissertation makes no pretense of being complete or even particularly precise in cataloguing (hereafter) areas in which national fisheries policy definition is needed. It is written to point up the need that exists in the hope that Congressional leadership will, through ultimate legislative resolution, develop and declare what is socially expected from fisheries resources and their appropriations, what aims governmental "management" of those resources should strive for, and what mechanisms in government (internal and external) shall be burdened and charged with resulting assignments.

The following questions seem to reflect areas where policy needs to be declared and where guidelines are wanting:

- There is almost universal agreement that fish and other renewable marine resources are "common property." But, how far does this commonality extend;

in the nation and its political subdivisions as well as on the international level? Has any segment of this common property been assigned, explicitly or implicitly? Are there distinctions as far as common property characteristics are concerned between different marine species or varieties?

- Would it not be logical to begin a policy declaration with a recitation of basic values existing in fishes and other marine species, recognizing value-expressions that have been established nationally as well as in society as a whole? Like, a treaty to which the U.S. has subscribed says, "... in the first place (it is) a supply of food for human consumption;" also, as noted in the U.S. legal code enacted in 1956 (16.9.74a), "... a contribution to the nation's economy," "a material contribution to health, recreation ..." etc.

- What are the priorities to be recognized in arranging marine resource regulations and in allocations for domestic application as well as where international complications intervene? What are (or should be) the processes for assigning or altering priority orders? Who are the authorities for determinations?

Priorities are especially vital when and where resource stocks become depleted or proportionately scarcer and, consequently, more sought after. They are probably the most important considerations of all of the issues in the fisheries scrambles. In this regard, the U.S. has long held that the "abstention" doctrine must prevail where international competition menaces a stock of the people enjoying the subsistence from it. Its basic moral concept derives from the contention that people of a region ought to be entitled to the first opportunity to use the resources of their region, provided they protect them and don't abuse them.

This seems to be a valid moral ideal. But why should it not be applied as a domestic moral (by the U.S.) as well as one to impose against foreigners? Why, for example, shouldn't the people indigenous to regions like Bristol bay or the Yukon-Kuskokwim area have a similar priority entitlement to the use of the fish resources of their regions as the means to maintain their livelihoods?

- Any rational policy concerned with marine resource regulation must recognize that it is a very different operation from all other "management" regimes because of the complications that are inherent in it. Fish stocks are most often mobile and do not behave in manners respectful of political boundaries, for one thing.

Consequently, what specific principles or doctrines should guide authorities—other than transient partisan political convenience—where regulations are concerned between the U.S. and other nations as well as between political subdivisions within this nation? Is it appropriate to declare national (or State) ownership of resources regardless of traditions or other circumstances? Is some form of international proprietorship more appropriate? Etc.

Candidly, where does this nation stand on this? Isn't this—as a national policy matter—properly a chore for Congress to establish and which, subsequently, the Executive Branch should then follow in its conduct of foreign relations?

- One of the thorniest domestic problems with fisheries regulating is a product of the fact that this function has traditionally been an exclusively State obligation and prerogative.

What does the Congress have in mind—at least as a matter of policy—for regulating or "managing" marine stocks as a domestic matter as well as where foreign participation is involved? What agency will make fishing regulations where both U.S. and foreign fishermen work common grounds? Where common grounds are fished by fleets from different States? Where stocks wander between exclusively State and high seas areas? Realistically, can S. 1988 (or anything similar) be instituted equitably without a new or expanded federal fisheries agency?

- If a 200-mile jurisdiction is established will foreign fishing enterprises collaborating with domestic U.S. food industry distribution firms, continue as the favored suppliers of the fish products needs of the nation? If a change is contemplated, what is in mind? Import tariffs? Subsidies for domestic fishermen or for processors?

Currently about \$1¼ billion more each year is sent abroad to pay for foreign fish purchases for domestic food than is received for what fish products (salmon eggs for Japan included) are exported—which represents not only a lot of trade and profits but also a big chunk of the national trade imbalance and the head-

aches that result. Wouldn't turning off this flow go far toward correcting fisheries malaise economically as well as produce a stock preservationist effect? And if this isn't diminished, isn't it more than likely that foreign fishing on U.S. shores will continue, a policy for a 200-mile jurisdiction notwithstanding?

Extended regulation of fishing is badly needed. But S. 1988, standing alone, is not going to get the job done. It is more likely to prolong ultimate solutions, especially when offered as a unilateral measure while efforts are in progress toward solutions on a multilateral basis in a Law of the Sea Convention.

A rationale for S. 1988 has been advanced contending that it will serve as a prod to ensure Law of the Sea decision-making toward a regime acceptable to the U.S.

But, frankly, that sounds more like a bit of bullying than anything else! Like trying to rattle a sabre that rusted fast in its scabbard! The U.S. has far too many domestic fisheries problems it not only hasn't found solutions for but also hasn't earnestly sought solutions for to undertake expanded regulatory authority 200 miles at sea?

Why not tackle the domestic issues along with a joint approach with others on what are really mutual problems? And start it out with formulating a basic policy for fisheries!

There is a current action in U.S. District Court in Anchorage seeking a restrainer on the State of Alaska's commercial fishing regulations effecting king crab harvesting. The threat implicit with it doesn't square with the zeal being exhibited in pressing for a 200-mile fishing jurisdiction (as in S. 1988) supposedly aimed at foreigners.

The pending action which some highly knowledgeable legal practitioners predict should be successful seeks a judgment declaring the State's crabbing regulations invalid outside the 3-mile line. That means that conservation measures may not be enforced in 80% or more of the areas where crab are fished. It could also extend beyond king crabbing and apply equally to tanner crab fishing, shrimping and scalloping—operations that land hundreds of millions of pounds of products a year in Alaska and that represent as much as \$100 million a year as marketed outside the State.

Trying to institute and maintain a regulatory regime for conservation and equitable use of these resources has been one of the most trying chores of the Alaskan authorities. They have lacked sufficient enforcement equipment for the job and they have faced constant harassments like barrages of threats of actions such as the one now in court.

Federal forces haven't helped either. In fact, in some instances some federal elements have encouraged the challenges of the State's authority.

In the present action the people asking that the State be restrained from enforcing conservation measures are spearheaded by three Seattle vessel owners. In their background is a vessel-owner organization representing 35 of the "big boats" that work the Aleutian island regions.

Acting pretty much in desperation last fall because of a lack of policing capabilities in the Aleutians, State people went to crab buyers who deal with the fishing vessel owners and imposed what turned out to be a fairly effective (and highly resented) "back door" enforcement technique. The cannery and freezer operators were made to understand that if they did not effectively participate in policing the crab boats' operations they would face shut-downs—their plants closed by "emergency orders" that could be arranged.

That triggered firing of the action. It also, reportedly, was effective against anti-regulation practices the crabbers were suspected of having carried on previously but which the State couldn't stop.

Now, if this action in court is successful, conservation is in jeopardy. Federal forces exercise no fisheries regulatory authority excepting to the extent that Coast Guard and National Marine Fisheries Service patrols monitor foreign fishermen and keep them outside the 12-mile line and outside certain treaty-arranged sanctuaries in the Gulf of Alaska and Bering sea.

As far as the federal agencies are concerned, there is no law or regulation for conservation outside the 3-mile line, not even the contiguous zone inside the 12-mile limit, that can be applied to domestic fishing! Excepting what the State is capable of enforcing.

It has seemed strange that this should prevail. At times, to hear State fisheries people tell it, wholesale disregard for conservation can be going on, observed by the federal people, but any domestic depredation is totally ignored.

This isn't something new. Only the court action is now.

Why haven't federal authorities, including the congressmen pushing S. 1988, extended any effort or energies to help the Alaska State authorities maintain



conservation? Could they not arrange for federal enforcement support applying equally to violators whether they are foreign or domestic?

The lack of answers to this clouds credibility about the sincerity of the fervor for S. 1988.

It also re-emphasizes the previously-urged need for an overall national fisheries policy development as a matter of legislation because much more is needed in this field than only a 200-mile jurisdictional limit aimed at foreign operations as a unilateral action.

How can the U.S. seriously hope to regulate foreigners when it doesn't manage its domestic efforts earnestly?

Running parallel to the question of whether to unilaterally take jurisdiction of marine resource harvesting out to the 200-mile line as S. 1988 purports to institute is a question being asked with increasing frequency:

Is foreign participation in U.S. fisheries firms threatening the integrity of the domestic industry? Are domestic fish stocks being jeopardized as a result?

This question is being asked mostly on the Pacific coast and, especially, in reference to Alaskan fisheries. Foreign elements suspected of engineering a surreptitious "take-over" are Japanese, but Canadians are also mentioned frequently.

At the moment there is no definite answer to the implications in this question. A U.S. Commerce Department statement has recognized the issue's existence and has proposed an administrative policy position to leave matters alone since no law-breaking is obvious, adding that they will maintain a casual monitoring of deals between foreign and domestic entrepreneurs in fish ventures.

The thing is, here is an area involving U.S. fisheries policy that deserves inquiry from the standpoint of the adequacy of legislation and its functioning to assure a viable domestic fishing industry, as the laymen putting the question see it, plus concern for continued well-being of fish stocks in domestic waters. What doesn't exactly square up to an equitable situation is, in part, an aggravation of the fact that the U.S. now has a 70% reliance on imported foreign fish that are sometimes harvested as close as three miles off U.S. beaches and then shipped back in from abroad.

(It is noteworthy here that Canada, one of the suspected perpetrators, exports 70% of its fish, mostly to the U.S. market.)

What most of those who raise the question about a "foreign takeover" fear is that maybe the foreigners are executing an end-run around U.S. laws to accomplish what expanded marine jurisdiction and protection legislation would prevent.

Frankly, that fear is not supported by the facts as they seem to be right now. Or, at least, if it is a valid suspicion, it is unquestionable nothing more than what U.S. corporate fisheries interests, aided by U.S. foreign policy and "favored nation" financial aids, have been doing for more than a generation and which has been the major cause for our present 70%-import situation with respect to fish products domestically consumed.

This is one of the policy areas that was referred to in suggesting that advocates of S. 1988 ought to be taking a serious look at all facets of fisheries problems before plunging pellmell into added complexities.

A cursory look at what has been taking place (particularly in the Alaskan fisheries scene) indicates that Japanese interests have indeed been coming here to obtain fish. This they have consistently been urged to do by State and Federal agencies as well as by Alaskan business agencies. Canadians are also in the Alaskan scene for salmon and halibut but that's not new and their expansions have been minimal.

There have been a few instances in which Japanese firms have put capital into Alaskan fishing firms' stock in a manner implying a real measure of ownership and related controls. But it probably does not exceed three or four per cent of total Alaskan fisheries capital, as far as what has been made public indicates.

There have been many more instances in which the Japanese appear to have entered the scene here on a contractual or "joint-venture" basis that is substantially short of "ownership" with an appreciable measure of operational controls. For the most part these seem to be ventures in which Japanese lend money for operating capital only, unsecured beyond assurances that they have priority considerations for certain products such as shum salmon, cured salmon eggs and herring roe and some herring and tanner crab plus a share in overall profit-taking in some cases. In one instance it appears that an exchange has been worked out that, in effect, trades these Alaskan products for ground-

fish stocks taken in the trades these Alaskan products for groundfish stocks taken in the North Pacific by Japanese trawlers and processed by the domestic firm into fish sticks and portions and "convenience foods."

Actually, this whole situation warrants competent investigation like by a Congressional arm such as the GAO that is powerful enough to obtain the real facts of social-economic concern that might merit legislation and not merely a bureaucratic investigation to see if laws are being ruptured. Maybe the laws that are involved are inadequate.

This technique of corporate participation in another land's fisheries by contractual or joint-venturing mechanisms with a minimum of actual corporate stock ownership was originated with U.S. post-World War II maneuvers. It is still practiced by food industry giants and is very common among the so-called "multi-nationals" operating from the U.S. Corporate and bureaucratic U.S. agencies laid the groundwork for it years ago and the Japanese are probably only following the lead they learned by that example.

Consequently, any policy that derives from probing foreign participation in U.S. fisheries companies' operations, and which indicates the need for corrective legislation or other changes, will most likely indicate a parallel need for a change in domestic food industry privileges.

Chances are that, on a national level, as distinct from the strictly Alaskan scene, the need for abbreviating domestic privileges will prove to be far more urgent. And also it's, nationally, an issue that calls for attention every bit as much as a need for extended fishing jurisdiction.

Something that makes for puzzlement in connection with the present press for instituting a 200-mile fishing zone and universal national ownership of salmon stocks relates to happenings in recent months in the U.S. State Department.

The State Department would be a vital link in the 200-mile law becoming effective. Under Senators Magnuson and Steven's S. 1988 that agency would have to negotiate implementing treaties or the bill, if enacted, would do little more than voice a wish for a 200-mile zone from which foreigners would be barred.

The State Department has had a fisheries affairs office for this sort of negotiations. Its status, however, has been reduced four or five notches since January 1st, the date on which Donald McKernan who had the rank of Ambassador ceased to head up that activity.

Since that time the fisheries office in State has been relegated to virtual impotence and, national fishing industry literature reports say, it's going to stay that way. McKernan's post will not be refilled and what's left of the staff will function in capacities about equal to errand boys.

This isn't in any way intended to be a pitch for bringing McKernan back to the Ambassadorial job. He has since relocated with the University of Washington to develop a new North Pacific fisheries symposium (department) and it seems that this suits him better, talentwise and temperamentwise.

The bothersome part of this thing is that the Congressional proponents of S. 1988 have not moved effectively—if at all—in stopping the State Department fisheries office from being obliterated. If they are serious and in earnest about S. 1988 why have they not worked to rescue the fisheries expertise in State? It needs elevating, not degrading, if the 200-mile move is serious.

It's sort of like a doctor (or a team of doctors) directing a serious surgical procedure for a critically sick patient and then standing by voiceless while a wrecking crew dismantles the only surgery in town and also remains mute when its equipment is tossed out and the anesthetist and the nursing staff take off to open up a massage parlor.

STATE OF ALASKA,  
OFFICE OF THE GOVERNOR,  
Juneau, Alaska, March 11, 1974.

HON. WARREN G. MAGNUSON,  
Chairman, Senate Commerce Committee,  
Russell Building,  
Washington, D.C.

DEAR SENATOR MAGNUSON: Enclosed is a copy of the following joint Resolution which recently passed the Alaska State Legislature:

Senate Joint Resolution No. 50 amended H.

Sincerely,

WILLIAM A. EGAN,  
Governor.

Enclosure.

ALASKA STATE LEGISLATURE, 1974

SENATE JOINT RESOLUTION No. 50—URGING SUPPORT OF S. 1988.

Be it resolved by the Legislature of the State of Alaska:

Whereas there is pending before the Congress of the United States S. 1988 which would, if enacted, extend the United States contiguous fishing zone and also its jurisdiction of anadromous fish to approximately 200 miles; and

Whereas ample evidence exists that valuable coastal and anadromous species of fish and marine life off the shores of the United States, and especially those of Alaska, are in danger of being destroyed; and

Whereas this tragic fact is due in large part to foreign fishing efforts beyond the existing twelve-mile fisheries zone; and

Whereas international negotiations have thus far proved incapable of obtaining timely agreement on the protection and conservation of threatened species of fish and marine life, and there appears little likelihood that any such negotiations will bear fruit any time in the near future; and

Whereas the current circumstances make it almost impossible for the State of Alaska to plan realistically for and manage conservation of its marine resources especially that of its anadromous fish, be it

*Resolved*, by the Alaska State Legislature that it respectfully urges the United States Congress to enact legislation similar to S. 1988, as originally introduced, at the earliest possible time so that the entire domestic fishing industry of the United States, as well as that of Alaska, may be protected and conserved to the greatest extent possible; and be it further

*Resolved*, That the United States Congress is urged to amend S. 1988 to provide that the contiguous fisheries zone shall be measured by applying, where applicable, the straight-baseline concept in Alaska.

Copies of the resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Henry Kissinger, Secretary, Department of State; the Honorable Frederick B. Dent, Secretary, Department of Commerce; the Honorable Warren G. Magnuson, Chairman, Senate Commerce Committee; the Honorable Leonor K. Sullivan, Chairman, House Merchant Marine and Fisheries Committee; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U. S. Senators, and the Honorable Don Young, U. S. Representative, members of the Alaska delegation in Congress.

AUTHENTICATION

The following officers of the Legislature certify that the attached enrolled resolution, Senate Joint Resolution No. 50 am II, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

Passed by the Senate March 6, 1974.

Attest:

TERRY MILLER,  
*President of the Senate.*

Passed by the House March 5, 1974

BEVERLY KEITHAHN,  
*Secretary of the Senate.*

Attest:

TOM FINK,  
*Speaker of the House.*

IRENE CASHEN,  
*Chief Clerk of the House.*  
WILLIAM A. EGAN,  
*Governor of Alaska.*

SALMON TROLLERS MARKETING ASSOCIATION, INC.  
*Fort Bragg, Calif., April 19, 1974.*

GENTLEMEN: First I would like to say that I am sorry I could not make this statement in person, second, I am speaking not only for our two hundred plus members but also for the sixteen other salmon and crab associations on the Pacific Coast.

At our annual meeting in early March we voted unanimously to support Senator Magnuson's bill S.B. 1988.

We feel that over fishing of certain species which are considered unuseful to our country has seriously disrupted the food chain along our coast, this fishing must be stopped and the effects of this declining food system on such species as crab and salmon must be studied.

We also feel that our coast must be protected from the indiscriminate and irresponsible fishing efforts of other countries. Countries such as, Japan, Korea, Russia and others refuse to follow proper conservation methods, size limits and seasons which the fisherman of the United States must follow to protect our declining ocean resource.

Last, there is talk that the Russians are going to be allowed to fish for anchovies off the California Coast, the anchovy is one of the last large food sources for salmon on our coast, the incidental catch of salmon and the reduction of the supply of anchovy could be disastrous to our salmon fishing industry.

Very truly yours,

RONALD ANDREANI, *President,*  
*Salmon Trollers Marketing Association.*

U.S. DEPARTMENT OF COMMERCE,  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,  
*Rockville, Md., May 1, 1974.*

HON. WARREN G. MAGNUSON,  
*Chairman, Committee on Commerce,*  
*U.S. Senate,*  
*Washington, D.C.*

DEAR MR. CHAIRMAN: Enclosed are responses to the 12 questions concerning an extended fisheries zone posed in your letter of April 8, 1974.

We hope this information will be useful to you.

Sincerely,

ROBERT M. WHITE,  
*Administrator.*

Enclosure.

Question 1. Please provide a list of treaties, conventions, or agreements on fisheries to which the United States is a party.

#### LIST OF CONVENTIONS AND AGREEMENTS

1. *International Convention for the Regulation of Whaling*, December 2, 1946, TIAS 1849 (entered into force November 10, 1948)
2. *Convention for the Establishment of an Inter-American Tropical Tuna Commission*, May 31, 1940, TIAS 2044 (entered into force March 3, 1950)
3. *Interim Convention on Conservation of North Pacific Fur Seals*, February 9, 1957, TIAS 3048 (entered into force October 14, 1957)
4. *Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea*, March 2, 1953, TIAS 2900 (entered into force October 28, 1953)
5. *International Convention for the High Seas Fisheries of the North Pacific Ocean*, May 9, 1952, TIAS 2786 (entered into force June 12, 1953)
6. *Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fishery of the Fraser River System*, May 26, 1930, TS 918 (entered into force July 28, 1937)
7. *International Convention for the Northwest Atlantic Fisheries*, February 8, 1949, TIAS 1089 (entered into force July 3, 1950)
8. *International Convention for the Conservation of Atlantic Tunas*, May 14, 1966, TIAS 6767 (entered into force March 21, 1969)
9. *Agreement with Brazil Concerning Shrimp*, May 9, 1972, TIAS 7603 (entered into force February 14, 1973)
10. *Agreement with the U.S.S.R. on Certain Fishery Problems on the High Seas in the Western Areas of the Middle Atlantic Ocean*, June 21, 1973, TIAS 7664 (entered into force July 1, 1973)
11. *Convention on Fishing and Conservation of the Living Resources of the High Seas*, April 29, 1958, TIAS 5969 (entered into force March 20, 1966)
12. *Convention on the Continental Shelf*, April 29, 1958, TIAS 5578 (entered into force June 10, 1964)

13. *Agreement with the Republic of Korea Concerning Cooperation in Fisheries*, November 24, 1972, TIAS 7517 (entered into force December 12, 1972)

14. *Agreement with Japan on the King and Tanner Crab Fisheries of the Eastern Bering Sea*, December 20, 1972, TIAS 7527 (entered into force December 20, 1972)

15. *Agreement with Japan on Certain Fisheries off the United Coast and Salmon Fisheries*, December 20, 1972, TIAS 7528 (entered into force December 20, 1972)

16. *Agreement with U.S.S.R. Relating to Fishing Operations in the Northeastern Pacific Ocean*, February 21, 1973, TIAS 7572 (entered into force February 21, 1973)

17. *Agreement with the U.S.S.R. Relating to Fishing for King and Tanner Crab*, February 21, 1973, TIAS 7571 (entered into force February 21, 1973)

18. *Agreement with the U.S.S.R. on Certain Fisheries Problems in the Northeastern Part of the Pacific Ocean off the Coast of the United States of America*, February 21, 1973, TIAS 7573 (entered into force February 21, 1973)

19. *Agreement with the U.S.S.R. Relating to the Consideration of Claims Resulting from Damage to Fishing Vessels or Gear and Measures to Prevent Fishing Conflicts*, February 21, 1973, TIAS 7575 (entered into force February 21, 1973)

20. *Agreement with Poland Regarding Fisheries in the Western Region of the Middle Atlantic Ocean*, June 2, 1973, TIAS 7659 (entered into force July 1, 1973)

21. *Agreement Between the United States and Canada on Reciprocal Fishing Privileges in Certain Areas off Their Coasts*, June 15, 1973, TIAS 7676 (entered into force June 16, 1973)

22. *Agreement with Romania Regarding Fisheries in the Western Region of the Middle Atlantic Ocean*, December 4, 1973, TIAS 7761 (entered into force December 4, 1973)

*Question 2.* Since the Federal Government lacks regulatory authority in the contiguous fisheries zone, to what degree, and how, are fishing activities regulated in the zone?

Answer. The Federal Government lacks comprehensive fisheries regulatory authority in the contiguous fisheries zone to manage U.S. fishing activities, but does have limited specific authority deriving from laws which implement various international agreements and treaties and from specific Acts such as the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. The contiguous fisheries zone is, of course, an exclusive fisheries zone reserved to vessels documented under the U.S. flag and terms of any access to the zone allowed foreign fishing vessels are controlled by the United States. Foreign fishing vessels have been granted certain limited access within that zone in exchange for reciprocal privileges for U.S. fishermen, or for voluntary conservation constraints outside the zone.

According to court decisions, the States can regulate fisheries within their jurisdiction, or regulate their citizens anywhere in the absence of controlling Federal legislation. The States regulate the behavior of their citizens anywhere, and non-citizens within their coastal areas through various methods such as licensing, gear requirements, fishing seasons, catch quotas, and landings laws.

*Question 3.* What role, if any, in the management and regulation of offshore fisheries does the National Marine Fisheries Service now play? Is this role adequate to the need for protection and rational management of our fisheries?

Answer. (a) *NMFS Role in the Management and Regulation of Offshore Fisheries:*

While the National Marine Fisheries Service has been given the major task of fostering the conservation and wise use of living marine resources, the authority over offshore fisheries is limited in extent and scope.

Freedom to fish on the high seas beyond 12 miles from shore is recognized by international law. Regulatory authority of the U.S. Federal Government under domestic law is derived largely from legislation authorizing the enforcement of management measures implemented under international treaties. The only other direct regulatory authority over domestic fishing activity is provided by specialized Acts such as the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973.

Most fish stocks range into waters beyond 12 miles from shore where they are capable of being harvested by foreign fishermen. Efforts to manage these stocks

have required the United States to seek international agreements among the governments whose fishermen harvest these resources.

The United States is a party to eight treaties under which the following international fisheries commissions have been established to regulate specific fisheries or specific areas of fishing:

1. International Commission for the Northwest Atlantic Fisheries (ICNAF).
2. International North Pacific Fisheries Commission (INPEC).
3. International Pacific Salmon Fisheries Commission (IPSEC).
4. International Pacific Halibut Commission (IPHC).
5. Inter-American Tropical Tuna Commission (IATTC).
6. International Commission for the Conservation of Atlantic Tunas (ICCAT).
7. North Pacific Fur Seal Commission (NPFSC).
8. International Whaling Commission (IWC).

The United States is also party to 12 bilateral agreements adapted to more specialized management problems in Alaska, the Continental West Coast, the Mid-Atlantic Bight, the Gulf of Mexico, and waters off Brazil.

In these circumstances, the major role of NMFS in the management of offshore resources has been one of (1) conducting scientific research to assess resource abundance and the need for regulatory protection, (2) participating in international commission meetings and other negotiations to achieve international regulatory programs, and (3) carrying out surveillance and enforcement activities to monitor compliance of participants in such international regulatory schemes.

One of the greatest barriers to effective management of marine populations, aside from the lack of general management authority, is the lack of information on: (1) the abundance, distribution, and condition of the stocks; (2) the effects of various levels of fishing on them, and; (3) the effects of environmental changes on stock abundance and distribution. Rational management, domestic or international, is dependent on good information. An example is the long-term fishery and survey data base which made possible a rational approach to overfishing off the northeastern United States in the ICNAF area. In other areas we do not yet have comparable information.

The NMFS Marine Monitoring, Assessment, and Prediction (MARMAP) program obtains and analyzes assessment information for international fishery management. The program provides the basic information on the composition, abundance, and location of the commercial and recreational fishery resources near the United States. MARMAP information derives from two major sources—surveys and fishery catch statistics. Comprehensive analyses of the effects of fishing are supplemented by surveys, which are the primary source of information in the case of populations which are underexploited. Surveys also provide a fishery-independent measure of changes in population abundance.

Continuous monitoring is required for early warning, whether it be for detecting major year-class failures in important fisheries, or drastic changes in marine populations possibly related to pollution, or other instances.

Officials of NMFS and other NOAA elements represent the United States on the principal international fisheries commissions in which the United States participates, and also take part in other bilateral and multilateral fisheries negotiations. In these activities, NMFS/NOAA works closely with the Department of State, the U.S. Coast Guard, as well as with representatives of the public and of State Governments to develop the most effective regulatory program for offshore resources possible under existing circumstances. The NMFS also works closely with the U.S. Coast Guard in enforcing domestically those regulatory measures approved by international bodies. Such regulations in offshore fisheries have included those implemented under the North Pacific Halibut Act of 1957, the Whaling Convention Act of 1949, the Tuna Conventions Act of 1950, the Sockeye Fishery Act of 1947, and the Northwest Atlantic Fisheries Act of 1950. (In addition, some domestic fisheries regulations have been implemented under the Marine Mammal Protection Act of 1972).

Certain treaties also authorize the United States to assist in enforcing upon governments have assumed. Provision for U.S. authorities to arrest foreign vessels violating such obligations is provided in the International Convention for the High Seas Fisheries of the North Pacific Ocean, the Convention with Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and the Bering Sea, the Convention with Canada on the Sockeye Salmon Fisheries, and the Convention on Conservation of North Pacific Fur Seals. Any

vessel and fishermen arrested by U.S. authorities under these provisions are turned over to the flag country for trial and imposition of penalties.

An international inspection scheme has been implemented under the International Convention for the Northwest Atlantic Fisheries. This authorizes the authorities of any member country to board and inspect the vessels of other members to determine compliance with ICNAF recommendations that are in force for the vessels concerned. Any violations found may only be reported to the flag country for further handling.

NMFS participates with the U.S. Coast Guard in a surveillance program to monitor compliance by foreign fishermen with these international management obligations.

(b) *Adequacy of the NMFS Management Role to the Need for Protection and Rational Management of U.S. fisheries:*

The role of the National Marine Fisheries Service within existing constraints in the management of offshore fisheries, has not provided adequate protection for all fisheries of concern to the United States. As is noted earlier, international law and current domestic authority limit NMFS management action only to meet obligations imposed by international agreements and specific U.S. legislation.

Consequently, some of the most notable federal regulatory action has occurred in fisheries for those resources that are inherently suited to international management, such as the highly migratory tuna species.

International management arrangements are in fact essential to achieve effective conservation of these tuna stocks because of their wide distribution, their vast and shifting migratory patterns, and their temporary presence in the waters off any country. Although the Inter-American Tropical Tuna Commission has experienced some difficult meetings in recent years as a result of allocation considerations, it has been highly successful in its conservation efforts and has an excellent record of maintaining the yellowfin tuna resources of the eastern tropical Pacific at a very high level through the application of an international catch quota.

U.S. initiatives have been a major factor in maintaining international conservation programs for these yellowfin tuna resources as well as for a number of other fisheries resources.

There are certain inherent difficulties, however, under current constraints, of relying primarily on a limited international capacity as a means of managing coastal resources. Since freedom to fish on the high seas beyond 12 miles from shore is recognized by international law, multilateral management organizations generally must operate on a consensus basis. Thus, reaching agreement on international conservation programs (which usually require significant restrictions on the fishermen of all countries) is often difficult and time consuming. Scientific documentation that a resource is threatened with overfishing and depletion is often required before any regulatory action can be initiated. This tends to inhibit preventive action to protect stocks before depletion begins, and leads to reliance principally on efforts to rebuild resources after the damage has been done.

Furthermore, multilateral fishery commissions with responsibility for a variety of fisheries, such as INPFC in the North Pacific and ICNAF in the Northwest Atlantic, were established in the early 1950's, before the great buildup of distant-water fishing fleets that has occurred in the past decade. While there has been some recent progress in implementing an overall national catch program through ICNAF, there has not been comparable success in adapting INPFC into a comprehensive management tool.

In addition, the lack of any clearly preferred status under existing international law for fisheries of coastal countries (other than those for continental shelf resources) restricts the opportunity to protect U.S. coastal fisheries.

Some preferences have been achieved in ICNAF quota allocations for certain U.S. coastal fisheries. The "abstention concept" in the International Convention for the High Seas Fisheries of the North Pacific Ocean assures harvest by North American fishermen of a high percentage of the allowable catch of North American salmon. In addition, in a number of bilateral agreements, the United States has secured some restrictions on offshore fisheries of distant-water countries to conserve resources of special concern to U.S. fishermen or to insure U.S. access to these resources.

While significant, these arrangements have provided considerably less than optimum protection for the total fisheries interests of the United States. The overall national quota program in ICNAF, for example, is designed to rebuild and maintain resources. It was implemented only after a substantial decline in some major resources off the U.S. North Atlantic coast. In the North Pacific, Japanese dissatisfaction with the "abstention concept" for salmon has been a factor inhibiting the development of multilateral conservation programs for other species. Furthermore, the offshore concessions agreed to by distant-water countries in various bilateral arrangements have usually required some *quid pro quo* (such as limited access to loading zones in the U.S. contiguous fisheries zone). Thus, the protection that has been achieved within the current framework of international law for many U.S. fisheries interests cannot be said to be adequate. That is why the United States is supporting changes in international law at the forthcoming Law of the Sea Conference that would give coastal countries authority to manage coastal and anadromous resources, as well as a preferential right to the fish, while retaining international management for the highly migratory species such as tuna.

The NMFS has also indicated previously its view that broader Federal authority to manage domestic fisheries, such as would be provided by S. 1069, is needed to provide adequate management and protection for U.S. fisheries.

*Question 4.* 16 U.S.C. 1091 recognizes "traditional fishing by foreign states within (the contiguous fisheries) zone." What is the definition of traditional fishing used by NMFS? Have any such rights been recognized? If so, how have they been handled, managed or enforced?

*Answer.* The determination of what constitutes "traditional fishing" has been on an ad-hoc basis.

Established foreign fisheries were recognized in the case of king crab in the eastern Bering Sea after entry into force June 10, 1964, of the Geneva Convention on the Continental Shelf. Both Japan and the Soviet Union demonstrated the existence of prior crab fisheries and, the United States agreed to negotiate the level at which their fishing might continue.

Since the enactment of Public Law 89-658 (16 U.S.C. 1091), signed October 14, 1966, establishing a 9-mile U.S. contiguous fisheries zone (CFZ) adjacent to the U.S. territorial sea, the United States has agreed to allow fishing by Canada, Mexico, Japan and the U.S.S.R. in certain limited areas of the U.S. CFZ. The United States has also agreed to allow Canada, Japan, the U.S.S.R., Poland, South Korea, and Romania to conduct loading and cargo transfer operations in certain small areas of the CFZ. These privileges have been defined in bilateral agreements which designate the specific areas and times that such operations may be carried out.

In return for such privileges in the U.S. CFZ, other countries have agreed either (1) to provide reciprocal fishing opportunities in waters under their jurisdiction for U.S. fishermen, or (2) to restrict their fishing in certain areas beyond 12-miles which are of economic interest to U.S. fishermen.

The traditional fishing rights of United States and Mexican fishermen were formally recognized by the governments of the two countries in a reciprocal agreement which was effective from 1968 to 1973. In 1968 Mexico extended its exclusive fishery zone to 12 miles, after similar action was taken by the United States. Rather than immediately exclude each other's fishermen who had for years been operating inside this limit, Mexico and the United States agreed to allow, for a period of 5 years, each other's traditional fisheries to continue in areas between 9 and 12 miles off each nation's coast where the other's fishing vessels had operated in a sustained manner from 1936 to 1967.

The species for which these traditional fishing rights were recognized were specifically named, and the fishing during the 5-year period of the agreement was not allowed to exceed the level in terms of catch which had been maintained during the 5 years prior to the agreement. The two governments exchanged yearly lists of vessels which would operate under the terms of the agreement, as well as reports on the fishing activities of their nationals in the exclusive fishery zones of the other country, indicating the volume of catch of each species authorized to be taken and the areas in which such catches were made. On January 1, 1973, at the end of the 5-year period provided for, the agreement expired and was not renewed.



Following the establishment of a 9-mile contiguous fishery zone by Canada in 1964, and by the U.S. in 1966, there was an informal understanding between the two countries permitting fishing by fishermen of each country to continue in the contiguous zone of the other along the Atlantic and Pacific coasts. In February 1970 initial discussions were held aimed at formalization, as well as some modification of these traditional fishing practices. On April 24, 1970, both countries signed an agreement on reciprocal fishing privileges which allows traditional fisheries to continue much as before.

It has been the general practice of the U.S. to reduce foreign fishing privileges in the CFZ in accord with conservation needs and as the U.S. capability and desire to exploit the stocks concerned increases. For example, tuna fishing was permitted by Japan in the CFZ off Hawaii and some U.S. Trust Territories until 1970 when the agreement was modified to prevent such fishing because of conflicts with U.S. fishing interests. When whales were added to the U.S. Endangered Species List, former whaling privileges by Japan in the CFZ off Alaska were eliminated in 1972. Also in 1973, Japanese and Soviet loading zones off the Semidi Islands, Alaska, were eliminated because of the close proximity to an important U.S. wildlife refuge. Since 1964, Japanese and Soviet traditional fisheries for king and tanner crab in the eastern Bering Sea have been gradually reduced at 2-year intervals through the imposition of lower quotas. In addition, further controls have been achieved through the elimination of the use of tangle net gear, and in 1972, the division of the crab fishing grounds into southeast and northwest areas. As the U.S. crab fishery has expanded, the foreign catch has thus been reduced and largely diverted away from areas fished by U.S. fishermen. Primarily because of increased restrictions, the Soviets have not conducted a crab fishery in the eastern Bering Sea since 1971.

The catch by foreign nations within the U.S. CFZ is comparatively small. For example, Japan's groundfish catch in the northeastern Pacific region was 1,887,198 metric tons in 1971. Of that total only 49,011 metric tons—mostly pollock—was taken in the CFZ.

Adherence to the terms of agreements allowing foreign fishermen to fish or load within the U.S. CFZ is monitored by joint U.S. Coast Guard-National Marine Fisheries Service patrols. If foreign vessels are found fishing or conducting loading or other fisheries support operations in any area of the CFZ where or when such operations are not allowed by an agreement, the vessel and master may be seized and prosecuted by the United States. Penalties have been heavy as evidenced by a total fine of \$250,000 levied against a Soviet factoryship and a stern trawler for conducting illegal fishery activities off St. Matthew Island in 1972.

*Question 5.* Assuming the United States would adopt a 200-mile limit, what management role *should* the Federal Government play within the zone (assume also the recognition of traditional foreign fishing): What role should coastal States play? Regional commissions?

*Answer. (a) Federal Role.* As has been noted in response to question three, a central problem affecting all segments of U.S. fisheries is the present lack of adequate authorities and systems for managing our fishery resources. Thus Federal management authority in waters beyond the territorial sea such as that proposed in S. 1069 would be absolutely essential. If we were to assume further that some traditional foreign fishing were to continue inside the extended fisheries limit, then Federal management would become even more important because of the necessity of controlling, monitoring and evaluating the impact of this foreign activity, as well as the domestic activity. With such authority the Federal Government would be in a position to work with the States in developing urgently needed national systems for management and protection of our fisheries.

*(b) Coastal State Role.* The NMFS has developed a State-Federal Fisheries Management Program aimed at a coordinated fisheries management approach. Under this program, Regional Fisheries Management Councils composed of State officials and regional NMFS officials are being organized to facilitate coordinated fishery management planning and implementation. One of the important reasons for developing a cooperative arrangement among adjacent States is their shared interest in common stocks. We would envision a coopera-

five role in fisheries management between the States, the interstate fisheries commissions, and the Federal Government. Implementing such cooperative management plans through Federal regulations would be desirable in many cases, particularly for those offshore fisheries in which there will be participation by fishermen from a number of States as well as possibly by foreign fishermen operating under traditional fisheries arrangements.

(c) *International Regional Commissions.* Under a regime of extended national fisheries jurisdiction, international regional commissions might provide a mechanism to coordinate the various contacts with other countries that would continue to be useful.

As has been noted, special arrangements to coordinate international management of tuna would be needed regardless of the actions that might be taken to extend fisheries jurisdiction. Regional commissions could provide a mechanism to implement such international management programs.

Adjacent coastal countries would have a reciprocal interest in conserving resources migrating back and forth between their respective areas of jurisdiction. Such adjacent coastal countries might also have interest in arranging reciprocal access to certain resources of mutual interest in the contiguous zone of both countries. Regional commissions might be a mechanism for coordinating such conservation and access arrangements.

Regional commissions might also have some value in coordinating relations between coastal countries exercising authority in extended zones of jurisdiction and distant-water fishing countries interested in negotiating access to such areas.

*Question 6.* Are claims of depletion or potential destruction of certain adjacent fisheries stocks valid? If so, what stocks are threatened?

Answer. Yes. Following is a list, not necessarily complete, of stocks severely damaged or threatened off the U.S. coast at present:

*Of direct interest to U.S. fishermen:* Haddock (Atlantic); Herring (Atlantic); Mackerel (Pacific); Menhaden (Atlantic, but not Gulf of Mexico); Sablefish (Pacific); Shrimp (Pacific); Yellowtail flounder (Atlantic); and Halibut (Atlantic and Pacific).

Three species could be added to the list as possibly damaged, although they are presently of lesser interest to U.S. fishermen—Alaska pollock (Pacific), yellowfin sole (Pacific), and hake (Pacific).

It should be noted that severe damage in some cases was caused by U.S. fishermen almost exclusively, or was caused by a combination of U.S. and foreign fishing.

It is difficult to pinpoint all of the stocks which are currently threatened, since the buildup of foreign distant-water fleets in the last 10 years has sharply increased the fishing power that can be applied to any stock in fish. The potential for rapid depletion in the absence of controls has increased proportionately.

*Question 7.* What is the value and volume of the Japanese salmon catch vis-a-vis Japanese catches within 200 nautical miles of our shores?

Answer. The Japanese salmon catch includes both Asian and North American salmon. The annual high seas and coastal catch of Asian salmon by Japan for the years 1963-71 averaged 72,315,000 fish (Table 1). During 1963-72, the annual Japanese catch of North American salmon average 2,402,000 fish (Table 2). The annual Japanese harvest of both Asian and North American salmon for 1963-71, therefore, averaged approximately 74,717,000 fish.

The annual Japanese catch of North American salmon represents approximately 3 percent of the North American salmon harvest by all countries. The impact of the Japanese fishery upon North American stocks is, however, less related to the total number of fish harvested than to the particular stocks exploited. This is because approximately 90 percent of the Japanese North American salmon catch has been sockeye salmon, most from western Alaska, principally Bristol Bay (Table 2).

When divided on the basis of North American salmon harvested within and beyond 200 miles from the U.S. west coast, the average annual Japanese catch for 1963-72 was an estimated 1,878,000 fish within 200 miles and 524,000 fish beyond 200 miles (Table 2).

The above figures are based upon Japanese fishing activity in accordance with the abstention provisions of the International Convention for the High

Seas Fisheries of the North Pacific Ocean. Every North American salmon stock of significance, however, is present outside 200 miles in the Gulf of Alaska. In the absence of abstention provisions, it is estimated that 23 million salmon could be harvested in the Gulf of Alaska beyond 200 miles by a high seas gill net fleet the size of the 1968 Japanese mothership salmon fleet fishing during a 60-day period in the spring within a 475,000 square mile area.

Japan has a large groundfish harvest within 200 miles of the United States west coast. This harvest increased from some 13,000 metric tons in 1954 to 1,887,198 metric tons in 1971 and 2,054,362 metric tons in 1972 (Table 3).

Over 90 percent of this groundfish catch, which excludes king and tanner crabs, was taken in the eastern Bering Sea and the Aleutians area.

In 1970 Japan harvested 2,080,000 king and 18,190,000 tanner crabs within 200 miles. This catch has been gradually reduced in recent years, through agreements between the United States and Japan, the 1973 catch being 228,000 king and 13,943,000 tanner crabs. These figures do not include what is estimated to be a large incidental catch of tanner crabs by Japanese groundfish trawlers.

On the Atlantic side, Japan's total catch of all species of fish is reported by the International Commission for the Northwest Atlantic Fisheries (ICNAF). Japan's catch in ICNAF statistical areas 5 and 6 off the U.S. east coast from Maine to Cape Hatteras was 27,768 metric tons in 1971; and 28,939 metric tons in 1972. In almost all cases these catches were taken within 200 miles of the U.S. coast.

Japanese fishing in the Gulf of Mexico is limited. Japanese reports indicate that yellowfin tuna and some marlin are taken in the Gulf. The total Japanese catch of these species in the Gulf of Mexico is believed to be small.

TABLE 1.—JAPANESE CATCH OF ASIAN SALMON, 1963-71

[In thousands of fish]

Year	High seas	Coastal	Total
1963.....	78,393	7,784	86,177
1964.....	50,516	10,961	61,477
1965.....	70,439	9,826	80,265
1966.....	59,560	7,290	66,850
1967.....	73,967	9,777	83,744
1968.....	57,237	5,098	62,325
1969.....	73,375	7,489	80,864
1970.....	49,089	13,160	62,249
1971.....	60,951	5,946	66,897
1972.....	(1)	(1)	

<sup>1</sup> Figures not yet available.

Source: Fredin, R. A., "Ocean Distribution of Salmon and Their Vulnerability to High Seas Fishing," Sept. 1971, p. 17 - Figures for 1969-71 supplied by author.

TABLE 2.—ANNUAL AVERAGE JAPANESE CATCH OF NORTH AMERICAN SALMON, 1963-72

[In thousands of fish]

Species	Within 200 miles	Beyond 200 miles
Sockeye.....	1,727	394
Pink.....	26	3
Chum.....	41	11
Coho.....	47	33
Chinook.....	37	83
Total.....	1,878	524

Source: Estimates prepared by NMFS.

Note: Value figures for Japanese catches are not available at this time. Efforts are being made to secure such values and any information obtained will be made available.

TABLE 3.—JAPAN'S EASTERN BERING SEA AND NORTHEAST PACIFIC OCEAN GROUND FISH CATCHES (INCLUDES TRAWL AND LONGLINE, HALIBUT, EXCLUDES SHELLFISH)

[In metric tons]

Area	Species	1967	1968	1969	1970	1971	1972
East Bering Sea and Aleutians.	Flatfishes.....	101,863	76,377	129,578	129,701	178,422	190,536
	Herring.....	33,276	44,357	36,371	28,340	28,946	13,634
	Pollock.....	553,419	706,257	832,061	1,232,042	1,491,409	1,649,564
	Others.....	94,833	136,245	111,522	117,850	99,326	15,484
West Gulf of Alaska.....	Rockfish.....	30,607	11,851	19,328	17,534	19,011	20,174
	Others.....	13,358	6,637	22,612	18,330	21,083	20,443
East Gulf of Alaska.....	Rockfish.....	22,773	43,051	35,722	27,594	27,263	22,896
	Others.....	6,208	22,350	19,458	20,310	19,868	26,401
Washington-Oregon-California.	Rockfish.....	5,007	3,345	84	50	305	1,530
	Others.....	5,668	1,327	1,119	1,541	1,565	3,700
Total.....		867,012	1,051,837	1,207,855	1,593,292	1,887,198	2,054,362

Source: Statistical Yearbooks and Documents of the International North Pacific Fisheries Commission (INPFC).

TABLE 4.—JAPAN'S ESTIMATED CATCH WITHIN 200 MILES OF THE U.S. ATLANTIC COAST FROM MAINE TO CAPE HATTERAS

[In metric tons]

Species	1971	1972
Cod.....	20	100
Redfish.....	4	15
Haddock.....	10	5
Yellowtail.....	10	13
Flounders (ns).....	4	13
American plaice.....	2	4
Pollock.....	5	4
Red hake.....	14	736
White hake.....	214	140
Silver hake.....	152	205
Herring.....	2,466	1,161
Butterfish.....	6,187	3,661
Mackerel.....	756	1,104
Argentine.....	5,398	97
Groundfish (ns).....	1,722	709
Lobster.....	24	11
Squid.....	10,540	18,691
Other fish and shellfish.....	240	2,287
Total.....	27,768	28,939

Source: Statistical Bulletins of the International Commission for the Northwest Atlantic Fisheries (ICNAF).

**Question 8.** Please provide a breakdown of the respective values of U.S. coastal and distant water fisheries including import/exports, employment, capital investment, balance of payments, affiliated industries, effect on consumer's prices, and any other pertinent factors which might provide an insight as to the respective U.S. interests in each category of fishery.

**Answer.** Attached are several tables containing recent data on: (1) quantity and value of catch by distance caught off U.S. shores and in international waters off foreign shores; (2) quantity and value of imports and exports of fishery products; (3) the number of plants and extent of employment in fishery processing and wholesaling by States; (4) the number of fishermen, vessels and boats in selected fisheries; and (5) capital investment in vessels by fishery and region. The data in these tables provide the following highlights:

1. In 1973, 76 percent of the U.S. catch of fish and shellfish was caught within 12 miles of the U.S. coast.

2. Twelve percent of the catch was caught 12 to 200 miles off the U.S. coast. Major fisheries include Atlantic and Pacific groundfish, Pacific halibut, albacore tuna, shrimp and surf clams.

3. Twelve percent of the U.S. catch was caught in international waters off foreign shores. Major fisheries include yellowfin and skipjack tuna, shrimp, spiny lobsters and Atlantic groundfish.

4. On a value basis, 62 percent of the U.S. catch of fish and shellfish is caught within 12 miles of U.S. shores.

5. Based on the above figures, it can be stated that most U.S. fishermen derive their income from fishing in coastal fisheries.

We are not able to provide data on imports and exports of fishery products and employment in processing and wholesaling associated with coastal and distant water fisheries. Data on imports are especially difficult to obtain because of the complex nature of the processing and distribution operations of the many countries from which we obtain our imports. Data on employment in processing and wholesaling operations associated with coastal and distant water fisheries are also very difficult to determine because of the fact that most processors and wholesalers handle a myriad of products that are produced from both domestic landings and from imports. Therefore, determining what percent of employment would be associated with certain products when the geographical source of the raw material for those products is not known for any particular processor or wholesaler is difficult to determine.

The impact of an extended fisheries jurisdiction on prices, employment, the balance of payments and other economic factors in the U.S. will be determined by such things as how an extended fisheries agreement will be implemented, the timing of the agreement, the speed with which foreign fishing would be phased out, how quickly the U.S. fishing industry could take advantage of such an agreement, and many other factors.

#### U.S. CATCH OF FISH AND SHELLFISH, BY DISTANCE CAUGHT, 1973<sup>1</sup>

Distance caught	Quantity		Value	
	Thousands of pounds	Percent	Thousands of dollars	Percent
0 to 3 miles.....	2,849,601	57.85	440,825	45.41
3 to 12 miles.....	927,242	18.82	160,486	16.53
12 to 200 miles.....	578,075	11.73	202,391	20.85
Off foreign shores.....	571,382	11.60	167,098	17.21
Total.....	4,926,300	100.00	970,800	100.00

<sup>1</sup> Includes landings by U.S. flag vessels at Puerto Rico and other ports outside United States and Hawaii.  
Source: Fisheries of the United States, 1973, CFS 6400.

#### LANDINGS OF SELECTED U.S. FISHERIES BEYOND 12 MILES AND OFF FOREIGN SHORES, 1973

[In thousands]

Fishery	Beyond 12 miles		Off foreign shores		Total	
	Landings (pounds)	Value (dollars)	Landings (pounds)	Value (dollars)	Landings (pounds)	Value (dollars)
Albacore tuna.....	28,984	\$12,044	5,500	\$2,269	34,484	\$14,313
Atlantic groundfish <sup>1</sup> .....	174,667	30,694	30,304	2,633	204,971	33,327
Halibut.....	15,515	8,048	44	32	15,559	8,080
Pacific groundfish <sup>2</sup> .....	43,086	4,204	7,426	642	50,512	4,846
Shrimp.....	94,433	87,203	37,426	40,703	131,859	127,906
Skipjack tuna.....	7,463	2,090	93,305	21,372	100,768	23,462
Spiny lobster.....	601	607	5,431	5,608	6,032	6,215
Surf clams.....	54,981	6,760	-----	-----	54,981	6,760
Yellowfin tuna.....	602	346	352,140	85,864	352,742	86,210
Total.....	420,332	151,996	531,576	159,123	951,908	311,119

<sup>1</sup> Includes cod, cusk, haddock, hake, flounder, ocean perch, pollock and whiting.

<sup>2</sup> Includes cod, flounder pollock, ocean perch and rockfish.

Source: Fisheries of the United States, 1973, CFS 6400, March, 1974.

COMMERCIAL LANDINGS OF FISH AND SHELLFISH BY U.S. FISHING CRAFT: BY SPECIES, BY DISTANCE CAUGHT OFF U.S. SHORES, AND CAUGHT IN INTERNATIONAL WATERS OFF FOREIGN SHORES,  
1973<sup>1</sup>

[In thousands]

Species	Distance caught off U.S. shores				Caught in international waters off foreign shores				Total	
	0-3 miles		3-12 miles		12-200 miles		Pounds	Dollars	Pounds	Dollars
	Pounds	Dollars	Pounds	Dollars	Pounds	Dollars				
Fish										
Alwives:										
Atlantic and Gulf	23,381	664	104	3	6	(?)	23,491		667	
Great Lakes	8,221	95	13,153	152	11,509	133	32,883		380	
A. chives	7,129	210	211,621	4,804	10,536	239	229,286		5,253	
Atlantic	8,842	919	1,037	105	179	18	10,058		1,042	
Bonito	8,406	943	6,343	719	197	29	26,422		3,213	
Butterfish	1,200	336	5,545	121	1,639	368	3,384		825	
Cod:										
Atlantic	2,261	377	14,242	2,494	33,172	6,034	50,080		8,989	
Pacific	1,749	127	1,968	150	4,765	84	9,482		8,697	
Croaker	7,618	748	2,892	350	12,742	1,461	22,652		2,589	
Cusk	7,114	8	1,199	136	1,477	178	2,866		331	
Flounders:										
Atlantic and Gulf:										
Blackback	3,408	570	5,726	1,215	12,061	3,143	21,295		4,960	
Fluke	4,753	1,915	3,154	1,925	1,880	100	9,787		3,560	
Yellowtail	3,931	618	5,878	1,161	55,667	11,879	63,481		13,660	
Other	9,116	2,304	3,586	1,813	5,406	5	18,164		4,310	
Pacific	3,795	295	20,020	2,095	22,239	1,177	47,854		4,778	
Total	25,003	5,702	38,364	6,209	97,253	19,190	162,581		31,268	
Groupers:										
Haddock	425	128	1,172	352	5,053	1,449	6,947		2,000	
Hake:	96	35	843	365	6,370	2,400	8,313		3,160	
Pacific:										
Red	2,515	37	9	(?)	9	(?)	2,533		37	
White	2,211	114	1,708	115	779	65	4,701		294	
Halibut	668	57	1,618	180	3,005	374	5,345		621	
Herring, sea:	2,738	1,409	5,899	3,112	15,515	8,048	24,196		12,601	
Atlantic	41,815	1,237	13,518	408	3,718	108	59,051		1,753	
Pacific	41,419	3,285					47,419		3,295	
Jack mackerel:	4,245	202	5,519	263	7,924	377	17,688		842	

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COMMERCIAL LANDINGS OF FISH AND SHELLFISH BY U.S. FISHING CRAFT: BY SPECIES, BY DISTANCE CAUGHT OFF U.S. SHORES, AND CAUGHT IN INTERNATIONAL WATERS OFF FOREIGN SHORES,  
1973 1—Continued

Species	Distance caught off U.S. shores				Caught in international waters off foreign shores			
	0-3 miles		3-12 miles		12-200 miles		Total	
	Pounds	Dollars	Pounds	Dollars	Pounds	Dollars	Pounds	Dollars
Warsaw	3,039	252	25	5	150	38	175	43
Whiting	18,972	1,485	1,485	1,485	20,550	1,626	42,671	3,394
Wormfish	7	(C)	17	7	20	45	4	41
Other fish	217,535	27,606	88,981	7,761	47,673	6,045	358,623	42,250
Total fish	2,383,077	235,234	687,207	57,231	399,434	80,465	3,998,240	493,716
Shellfish et al.								
Clams:								
Hard	14,583	17,539					14,593	17,539
Soft	8,991	7,109					8,991	7,109
Surf	9,672	1,055	17,598	1,993	54,981	6,760	82,251	9,808
Other	458	274					458	274
Total	33,714	25,977	17,598	1,993	54,981	6,760	106,293	34,730
Crabs:								
Blue, hard	134,448	17,279	421	48	16	2	134,885	17,329
Dungeness	9,851	5,629	2,273	1,346			12,124	6,975
King	15,200	9,871	45,600	29,612	15,200	9,871	76,000	45,354
Snow	9,180	1,652	52,020	9,364			61,200	11,016
Other	5,106	2,189	1,017	499	1,547	723	7,673	3,412
Total	173,785	36,620	101,331	40,869	16,763	10,596	231,882	88,080



Lobsters:	23,149	32,699	806	1,296	5,080	7,922	29,035	41,917
American	1,731	1,937	3,613	3,855	5,601	5,431	11,376	12,007
Spiny	48,553	35,191					48,553	35,191
Oysters:								
Scallops:	1,805	3,469					1,805	3,469
Bay			371	233	187	123	558	356
Carco	921	1,624	521	686	4,851	8,357	6,293	10,677
Seal								
Shrimp:								
New England	7,347	2,183	4,510	1,187	8,909	2,290	20,766	5,660
South Atlantic	22,741	23,645	2,621	2,735	3,300	2,561	25,062	25,641
Gulf	47,847	27,974	45,122	42,894	71,405	82,377	202,800	194,848
Pacific Coast	69,742	5,557	60,726	6,221	13,819	2,375	144,287	14,153
Other	6	5					6	5
Total	147,083	59,364	113,979	54,037	94,433	87,203	392,921	241,307
Squid	10,801	739	1,647	231	1,485	312	13,933	1,282
Other shellfish et al	24,982	7,971	169	45	260	46	25,411	8,062
Total shellfish et al	466,524	205,591	240,035	103,255	178,641	121,926	928,060	477,084
Grand total	2,849,601	440,825	927,242	160,486	578,075	202,391	4,926,300	970,800

<sup>1</sup> Data include landings by U.S. flag vessels at Puerto Rico and other ports outside continental United States and Hawaii—therefore will not agree with table on page 19.

<sup>2</sup> Less than \$500.

<sup>3</sup> Includes data on landings of bigeye tuna in Hawaii.

<sup>4</sup> Includes shrimp landed at Gulf coast and foreign ports.

Note: Statistics on landings are shown in round weight of all items except univalve and bivalve mollusks such as clams, oysters, and scallops, which are shown in weight of meats excluding the shell. Does not include production of artificially cultivated fish and shellfish.

IMPORTS

U.S. imports of fishery products was valued at nearly \$1.6 billion in 1973. Over 60 percent were comprised of groundfish fillets, blocks and slabs, tuna, lobsters and shrimp.

Value of U.S. imports of major fishery products, 1973.

	Million dollars	Percent
Groundfish fillets.....	135.3	8.6
Blocks and slabs.....	178.2	11.3
Tuna.....	246.7	15.6
Lobster.....	155.8	9.9
Shrimp.....	281.6	17.8
Total above.....	997.0	63.2
Total.....	1,578.6	100.0

EXPORTS

U.S. exports of fishery products was valued at \$299.2 million in 1973.

Value of U.S. exports of major fishery products, 1973.

	Million dollars	Percent
Salmon.....	86.5	28.9
Shrimp.....	66.9	22.4
Fish oils.....	33.9	11.3
Total above.....	187.3	62.6
Total.....	299.2	100.0

## IMPORTS OF FISHERY PRODUCTS, 1972 AND 1973

[In thousands]

Item	1972		1973	
	Pounds	Dollars	Pounds	Dollars
Edible fishery products:				
Fresh and frozen:				
Fillets:				
Groundfish.....	213,255	105,324	220,096	135,284
Other.....	171,872	92,514	199,567	122,326
Total.....	385,127	197,838	419,663	257,610
Blocks and slabs.....	355,459	140,978	358,730	178,201
Halibut.....	16,731	10,792	12,619	10,118
Salmon.....	18,696	11,941	18,237	16,534
Tuna:				
Albacore.....	263,064	95,132	278,446	101,393
Other.....	446,235	94,748	469,600	104,742
Loins and discs.....	8,395	6,489	6,052	6,109
Scallops (meat).....	20,820	36,194	19,833	33,625
Lobsters:				
American (includes fresh-cooked meat)....	16,229	25,863	15,529	25,395
Spiny.....	43,009	127,490	38,733	122,480
Shrimp (mostly frozen, some canned and dried)...	223,226	250,331	202,605	281,587
Canned:				
Salmon.....	11,647	8,039	7,859	6,197
Sardines:				
In oil.....	41,544	22,803	36,089	23,375
Not in oil.....	28,671	9,559	31,330	10,797
Tuna:				
In oil.....	384	346	244	261
Not in oil.....	56,129	48,714	38,382	34,253
Bonito and yellowtail:				
In oil.....	2,638	947	544	305
Not in oil.....	1,094	469	895	455
Crab meat.....	2,547	4,422	1,956	3,193
Lobsters:				
American.....	2,162	8,995	1,650	7,687
Spiny.....	95	237	134	286
Oysters (mostly canned).....	20,848	13,763	19,850	11,628
Other.....	376,388	117,202	418,067	157,796
Total edible fishery products.....	2,341,138	1,233,292	2,397,047	1,394,027
Nonedible fishery products:				
Scrap and meal.....	783,910	51,627	136,992	14,286
Solubles.....	686	36	1,439	80
Whale oil, sperm.....	5,061	734		
Other.....		208,706		170,270
Total nonedible fishery products.....		261,103		184,636
Grand total.....		1,494,395		1,578,663

Note: The data include imports into U.S. territories and possessions and landings of tuna by foreign vessels in American Samoa.

Source: Department of Commerce, Bureau of the Census.

EXPORTS OF DOMESTIC FISHERY PRODUCTS, 1961-73

[In thousands]

Year	Edible		Nonedible (dollars)	Total (dollars)
	Pounds	Dollars		
1961.....	40,137	19,594	15,116	34,710
1962.....	56,530	22,470	13,258	35,728
1963.....	64,745	30,376	26,229	56,605
1964.....	94,835	42,878	21,326	64,204
1965.....	96,444	49,308	20,175	69,483
1966.....	109,604	62,882	21,931	84,813
1967.....	107,940	67,524	14,685	82,209
1968.....	90,808	56,845	10,912	67,757
1969.....	140,646	86,474	18,059	104,533
1970.....	140,375	93,878	23,606	117,484
1971.....	171,816	113,637	25,608	149,245
1972.....	171,642	134,188	23,720	157,908
1973.....	238,942	241,866	57,302	299,168

1 Record.

Source: Department of Commerce, Bureau of the Census.

EXPORTS OF SELECTED DOMESTIC FISHERY PRODUCTS, 1972 AND 1973

[In thousands]

Items	1972		1973	
	Pounds	Dollars	Pounds	Dollars
Fresh and frozen:				
Salmon.....	34,685	28,451	60,742	59,641
Shrimp.....	29,984	32,334	37,434	52,470
Canned:				
Mackerel.....	65	13	248	46
Salmon.....	21,358	20,898	16,941	26,813
Sardines.....	3,030	1,419	1,740	1,051
Shrimp.....	8,450	10,729	9,949	14,472
Squid.....	10,560	1,411	8,167	1,341
Fish oils, unclassified.....	193,198	15,276	247,793	33,945

Source: Department of Commerce, Bureau of the Census.

PROCESSING AND WHOLESALE ESTABLISHMENTS AND EMPLOYMENT, 1972 AND 1971

Area and State	1972										1971		
	Processing					Wholesale					Total		
	Employment average					Employment average					Employment average		
	Plant	Season	Year	Plants	Year	Season	Year	Plants	Year	Season	Plants	Season	Year
New England:													
Maine.....	97	4,610	3,157	144	422	299	241	5,032	3,456	242	5,015	3,229	
New Hampshire.....	10	337	286	3	1	9	13	351	295	13	425	358	
Massachusetts.....	107	4,482	3,876	99	942	851	206	5,424	4,727	212	5,561	4,777	
Rhode Island.....	13	248	207	19	114	91	32	362	301	32	306	254	
Connecticut.....	4	27	17	4	16	13	8	43	30	8	41	34	
Total.....	231	9,704	7,543	269	1,508	1,266	500	11,212	8,809	507	11,348	8,652	
Middle Atlantic:													
New York.....	44	1,273	1,157	170	1,236	1,236	214	2,509	2,393	219	2,451	2,332	
New Jersey.....	42	2,014	1,789	60	317	277	102	2,331	2,066	108	2,322	1,887	
Pennsylvania.....	17	1,187	1,110	20	188	188	37	1,375	1,298	40	1,301	1,167	
Delaware.....	5	1,449	1,349	8	34	33	13	483	382	16	1,360	1,269	
Total.....	108	4,923	4,405	258	1,775	1,734	366	6,698	6,139	383	6,434	5,655	
Chesapeake:													
Maryland.....	101	3,853	2,835	95	466	408	196	4,319	3,243	207	4,824	3,735	
Virginia.....	153	5,504	3,692	78	273	250	231	5,777	3,942	248	5,946	4,161	
Total.....	254	9,357	6,527	173	739	658	427	10,096	7,185	455	10,770	7,896	
South Atlantic:													
North Carolina.....	81	2,068	1,227	107	436	302	188	2,504	1,529	174	2,310	1,400	
South Carolina.....	22	757	635	54	319	180	76	1,076	815	75	1,019	764	
Georgia.....	13	1,783	1,596	41	310	171	51	2,063	1,767	51	2,167	1,814	
Florida, East Coast.....	46	1,457	1,313	81	223	214	127	1,680	1,527	143	1,696	1,518	
Total.....	162	6,065	4,771	283	1,288	867	445	7,353	5,638	443	7,192	5,496	
Gulf:													
Florida, West Coast.....	118	3,973	3,409	164	568	478	282	4,541	3,887	299	4,895	4,051	
Alabama.....	51	1,732	1,158	12	350	165	63	2,082	1,323	62	2,182	1,247	
Mississippi.....	42	1,564	1,087	20	142	79	62	1,766	1,166	62	1,745	1,100	
Louisiana.....	124	4,775	3,538	105	410	410	229	5,313	3,572	236	5,305	3,508	
Texas.....	82	3,328	2,561	78	1,065	708	160	4,393	3,269	159	4,844	3,478	
Total.....	417	15,372	11,477	379	2,663	1,840	796	18,035	13,317	818	18,972	13,456	

904

## PROCESSING AND WHOLESALE ESTABLISHMENTS AND EMPLOYMENT, 1972 AND 1971—Continued

Area and State	1972										1971		
	Processing					Wholesale					Total		
	Employment average					Employment average					Employment average		
	Plant	Season	Year	Plants	Year	Plant	Season	Year	Plants	Year	Plant	Season	Year
Pacific:													
Alaska	223	8,391	3,500						223	8,391	3,500	192	8,502
Washington	88	2,632	1,796	14	354	253			102	2,986	2,049	128	3,315
Oregon	42	2,798	1,974	4	15	13			46	2,813	1,987	50	3,119
California	94	8,254	6,854	80	801	720			174	9,055	7,574	181	9,581
Total	447	22,074	14,124	98	1,170	986			545	23,245	15,110	551	24,517
Great Lakes:													
New York	5	80	75	14	135	127			19	215	202	21	193
Pennsylvania	3	21	17	2	12	7			5	123	119	6	25
Ohio	14	608	489	13	32	78			27	700	567	28	552
Illinois	14	581	526	25	424	390			39	1,005	916	40	889
Indiana				3	24	22			3	24	22	3	16
Michigan	25	253	223	22	186	164			47	439	387	49	405
Minnesota	4	109	48	3	6	6			7	115	54	7	112
Wisconsin	27	325	280	8	2	79			35	407	359	37	361
Total	99	1,977	1,559	90	951	953			162	2,528	2,526	191	2,553
													2,275

<sup>1</sup>Data partly estimated for employment for the year.

## EMPLOYMENT, FISHING CRAFT, AND ESTABLISHMENTS, VARIOUS YEARS, 1930-70

Item	1930	1940	1950	1960	1970
Persons employed:					
Fishermen.....	119,716	124,795	161,453	130,431	140,538
Processing and wholesaling <sup>1</sup> .....	78,996	90,215	102,015	93,625	86,813
Total.....	198,712	215,010	263,478	224,056	227,351
Craft utilized:					
Vessels <sup>2</sup> .....	4,374	5,562	11,496	12,018	13,591
Motor boats.....	35,437	31,055	46,067	56,889	71,570
Other boats.....	37,961	35,193	34,747	8,150	2,000
Total.....	77,772	71,810	92,310	77,057	87,161
Vessels documented for fishing:					
First documentation.....	( <sup>3</sup> )	320	812	408	792
Redocumentation.....	( <sup>3</sup> )	( <sup>3</sup> )	29	24	30
Total.....	( <sup>3</sup> )	( <sup>3</sup> )	841	432	822
Fishery shore establishments:					
Pacific Coast States.....	569	579	700	515	510
Atlantic Coast and Gulf States.....	2,024	2,038	2,699	2,898	2,618
Great Lakes and Mississippi River States.....	402	438	484	772	564
Other areas.....	( <sup>3</sup> )	( <sup>3</sup> )	( <sup>3</sup> )	422	443
Total.....	2,995	3,055	3,883	4,207	3,735

<sup>1</sup> Average for season.<sup>2</sup> Craft 5 net tons and over as documented by U.S. Coast Guard.<sup>3</sup> Not available.<sup>4</sup> Hawaii only.<sup>5</sup> Hawaii, American Samoa, and Puerto Rico.

## NUMBER OF FISHERMEN, VESSELS AND BOATS FOR SELECTED U.S. FISHERIES, 1970

Fishery	Fishermen on vessels	Fishermen on boats and shore	Total fishermen	Vessels	Boats	Total vessels and boats
Albacore tuna.....	4,673	831	9,504	1,219	326	1,545
Atlantic groundfish <sup>1</sup> .....	3,376	252	3,628	805	141	946
Halibut <sup>2</sup> .....	1,672	1,008	2,680	413	505	918
Pacific groundfish <sup>1</sup> .....	1,011	97	1,108	266	32	298
Shrimp <sup>3</sup> .....	11,850	7,329	19,179	4,614	5,526	10,140
Skipjack and yellowfin tuna.....	2,090	27	2,117	201	270	471
Spiny lobster.....	628	667	1,295	247	369	616
Surf clams <sup>4</sup> .....	716	297	1,013	275	153	428

<sup>1</sup> Includes fishermen, vessels and boats for fish otter trawls only.<sup>2</sup> May include fishermen, vessels and boats landing small amounts of Pacific cod and sablefish.<sup>3</sup> Includes all coastal and distant water fleet.<sup>4</sup> Includes fishermen, vessels and boats landing hard and soft clams in Maryland.

Source: "Fishery Statistics of the United States," 1970.



TABLE III.—CAPITAL INVESTMENT IN VESSELS AND NUMBER OF VESSELS BY REGION AND FISHERY, 1970<sup>1</sup>

[In thousands of dollars]

Fishery/Region	New England	Mid Atlantic	Chesapeake Bay	South Atlantic	Gulf Coast	Pacific	Great Lakes	Hawaii	Total investment	Total number of vessels
Groundfish (North Atlantic)	40,580.9(424)	7,788.0(192)	4,204.2(57)	2,434.3(42)	3,434.2(30)	12,876.4(150)	315.1(15)	-----	58,756.7	(760)
Groundfish (Pacific)	-----	-----	-----	-----	-----	5,749.3(196)	-----	-----	12,876.4	(150)
Hallibut <sup>2</sup>	-----	-----	-----	-----	-----	441.1(21)	-----	-----	5,749.3	(196)
Herring	868.3(10)	819.1(7)	9,838.0(25)	22,156.9(43)	50,336.9(74)	136,146.8(731)	-----	-----	1,309.4	(31)
Menhaden	42.0(2)	534.0(3)	-----	-----	-----	86,092.2(3,421)	-----	-----	83,192.9	(51)
Tuna	382.0(2)	-----	-----	-----	-----	1,007.2(35)	-----	-----	137,062.8	(736)
Salmon	-----	-----	-----	-----	-----	997.3(17)	-----	-----	86,092.2	(3,421)
Swordfish	181.0(2)	-----	-----	-----	-----	-----	-----	-----	1,007.2	(35)
Mackerel	4,278.0(66)	3,081.2(62)	544.1(4)	2,361.7(101)	2,323.0(82)	186.1(6)	-----	-----	1,178.3	(19)
Lobster (American)	-----	-----	-----	893.2(9)	-----	-----	-----	-----	7,903.3	(132)
Lobster (Spiny)	3,276.2(25)	2,951.9(19)	774.1(5)	-----	-----	625.2(5)	-----	-----	4,870.8	(189)
Sea scallop (Atlantic)	768.3(28)	7,026.3(113)	3,063.0(111)	84.0(4)	21.0(1)	63.0(3)	-----	-----	7,625.2	(53)
Sea scallop (Pacific)	105.2(5)	864.5(24)	12,749.6(607)	294.1(14)	6,481.4(300)	525.1(25)	-----	-----	11,025.7	(260)
Oyster	-----	-----	-----	-----	-----	-----	-----	-----	24,019.7	(975)
Shrimp (Atlantic and Gulf)	2,515.3(73)	-----	-----	31,141.9(796)	204,306.2(3,470)	2,475.3(63)	-----	-----	237,963.4	(4,329)
Shrimp (Pacific)	-----	-----	-----	-----	-----	6,253.1(70)	-----	-----	2,475.3	(63)
Crabs	-----	42.0(2)	11,813.5(551)	3,172.3(111)	210.0(10)	21,937.2(142)	-----	-----	21,490.9	(744)
King crabs	-----	-----	-----	-----	-----	6,769.7(230)	-----	-----	21,937.2	(142)
Dungeness crabs	-----	-----	-----	-----	-----	30,478.5(331)	-----	-----	6,769.7	(230)
Other	1,235.3(46)	941.2(32)	4,826.8(206)	2,520.9(100)	12,499.9(354)	-----	5,099.7(219)	4,402.7(81)	62,005.0	(1,369)
Total	54,232.5(683)	24,132.2(454)	47,813.2(1,566)	65,059.3(1,210)	279,612.6(4,321)	312,623.5(5,447)	5,414.8(234)	4,402.7(81)	793,206.8	<sup>3</sup> (13,996)

<sup>1</sup> 1970 data adjusted to 1973 dollar value. Investment in boats (about \$320 mil. for all states) are not included since they can not be classified according to fishery.

<sup>2</sup> Vessels that are engaged at the same time in fishing salmon, tuna, and groundfish are not included to avoid duplication.

<sup>3</sup> This total would not agree with the total by state to be published in the Statistical Digest. When the vessels are classified according to fishery more duplications are discovered in the data for the states.

In this case a duplication of 2% is eliminated.

Source: Economic Research Division, NMFS.

Note: Number of vessels in parentheses.

*Question 9.* What type of enforcement activities are envisioned as necessary if a 200 mile limit is adopted? What activities would a "species" approach require?

Answer. Two major areas of vastly different enforcement problems concerning foreign fishing activities would be faced under a 200-mile limit. One would concern those foreign fleets which might be allowed certain historical fishing privileges or other access privileges inside of 200 miles and the second outright violations of the 200-mile limit.

NMFS envisions that traditional fishing privileges or other access privileges inside 200 miles for certain foreign fishing fleets would be permitted only under an extensive regulatory system which could include: limited entry; licensing; individual catch quotas by vessel or fleet; check-in and check-out points or ports where vessels entering and leaving would be checked by Federal agents; highly visible marking of licensed vessels to provide for easy identification; an observer system where a certain number of foreign fishing vessels, such as processing vessels, would carry U.S. observers; radio reporting; and triangulation to determine vessel positions; surveillance by air and sea as appropriate; and perhaps certain new technological devices on each licensed vessel, such as equipment for automatic position reporting and instruments which would count and measure duration of net tows or provide other needed information on fishing activities.

The second major enforcement problem concerning foreign fishing activities will be dealing with illegal incursions of foreign vessels within the extended zone. Generally, a 200-mile limit would reduce the potential for violations since it would largely make unavailable adjacent high seas fishing areas from which foreign vessels now violate our 12-mile limit. Incursions into the 12-mile contiguous fisheries zone largely depends upon a commercially viable fishery just outside 12 miles where foreign vessels can fish legally while making illegal forays into the contiguous fisheries zone. They can get in and out in a very short time since all areas of the contiguous fisheries zone are within a short distance from the outer boundary. Very few fisheries are presently conducted along a 200-mile line, with the exception of the Bering Sea. In most cases foreign fleets would have to steam long distances to reach major fishing areas, thus greatly increasing their chance of being detected and seized for the violation. Control of such violations would require surveillance by air and sea for detection and seizure of violators by patrol vessels.

There are, of course, possibilities of using new technological devices for detecting and monitoring foreign fishing both inside and outside of 200 miles. An assessment of such applications from a practical standpoint is under review by those Federal agencies concerned with enforcement.

Finally, as noted in response to question five, authority such as that in S. 1069 to enforce conservation measures domestically in offshore waters would become even more important under any regime of extended national fisheries jurisdiction, since the current arrangements for managing fisheries under international programs would be substantially altered.

The species approach would require a somewhat more complex and costly enforcement effort than the 200-mile limit, largely because of the lack of clear-cut boundaries, as well as the difficulty of determining the country of origin of anadromous species such as salmon. Generally, the enforcement activities carried out would be similar in nature to those under a 200-mile limit.

*Question 10.* What are the respective responsibilities of the Departments of the Treasury, Commerce, and Transportation in authorizing foreign vessels to fish within the territorial waters or contiguous zone of the United States?

Answer. Under 16 U.S.C. 1081-1086 the Secretary of Treasury may authorize foreign vessels to fish within the territorial sea or within the contiguous fisheries zone. The Secretary of Treasury shall grant such permission only after the Secretary of State and the Secretary of Commerce certify that such fishing would be in the national interest and that the State, Commonwealth, territory, or possession directly affected concurs. The Secretary of Commerce must further find that the foreign country involved also extends substantially the same privileges to vessels of the United States.

The law also permits the Secretary of State with concurrence of the Secretary of the Treasury and the Secretary of Commerce to grant approval of a vessel owned or operated by an international organization to which the United States

is a member to engage in fisheries research within the territorial sea or the contiguous fisheries zone.

Enforcement of the law is the joint responsibility of the Secretary of Commerce, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating.

*Question 11.* What level of funding would be required to carry out the purpose of S. 1988, if it were to be enacted?

Answer. To carry out anticipated enforcement responsibilities under the proposed legislation, we estimate the cost to be about \$300,000 for NMFS during the first year that such jurisdiction became effective. Additional study, and of course a year of experience under extended jurisdiction, will allow us to give a firm figure for the second year, which would likely be about \$500,000.

These estimated costs do not include those that the Coast Guard might incur for the cost of operating vessels and aircraft on increased patrol activity nor the cost of new technological devices or triangulation should these be instituted. Depending on the complexity of the enforcement activities required, estimates for this funding range from about twice the present level to four times the present level or about \$30,000,000 to \$60,000,000. More exact figures should be requested from the U.S. Coast Guard.

Insofar as research activities by NOAA are concerned, we are not able to identify particular incremental funding increases for research necessitated by the pending legislation, other than \$22,500,000 for increased ship operating and replacement costs. Our research is conducted under the marine resources assessment program (MARMAP), and required funding increases of about \$17,000,000 over the next few years would be included in NMFS budget submissions if the budget situation permits. These needs do not relate on a one-to-one basis with possible enactment of S. 1988, since assessments of exploited and unexploited stocks off our shores are needed regardless of whether or not these stocks are directly under U.S. control. In the event that additional specific research programs are called for, we would make an appropriate request at that time for increased funding.

*Question 12.* What level of additional research would be helpful in managing fisheries within an extended contiguous zone?

Answer. It is recognized that the current level of the marine resource assessment program (see answer to question 3) is not sufficient to answer the question of rational exploitation of marine fishery resources off U.S. coasts. However, a plan for greater resource assessment capabilities has been developed that will require a total increase of about \$17 million for program activities, \$7.5 million in ship operations, and \$15 million for ship replacements and additions over the next few years.

STATE OF NEW JERSEY,  
DEPARTMENT OF ENVIRONMENTAL PROTECTION,  
*Trenton, N.J., May 6, 1974.*

HON. WARREN G. MAGNUSON,  
*U.S. Senate,*

DEAR SENATOR MAGNUSON: In reference to the hearings being held on S.1988, I wish to reaffirm the position of the New Jersey Fish and Game Council in support of this measure. I am attaching copy of a letter that was sent to New Jersey's Congressmen on December 14, 1973 supporting adoption of S.1988.

Also, the State of New Jersey members of the Atlantic States Marine Fisheries Commission actively favor enactment of a resolution supporting the extended jurisdiction on an interim basis.

Sincerely yours,

RUSSELL A. COOKINGHAM,  
*Director.*

Enclosure.

DECEMBER 14, 1973.

HON. CLIFFORD P. CASE,  
*U.S. Senate,  
Washington, D.C.*

DEAR SENATOR CASE: As an agency charged with the conservation of the fisheries resources of our state, we strongly urge you to do whatever you can to have hearings scheduled for S. 1988 (Magnuson) and to work toward its early adoption.

The fisheries resources endemic to the coasts of our nation have been a valuable protein source for centuries. Foreign, nationalized fishing fleets are severely overfishing these resources to the detriment of American entrepreneurs in the commercial and sport fishing industries and the general public.

Foreign overfishing has made it necessary to place restrictions on the catch which our commercial fishermen can take from such stocks as the haddock and yellowtail flounder. While no limitations have been enacted, the catch of many other species of importance to commercial fishermen has been drastically reduced. Were it not for a coincidental abundance of bluefish, weakfish and striped bass (species which are not taken by the foreign fleets in quantity), the sport fishing industry and the related resort industry would be hard-pressed since such important species as the scup and sea bass are in short supply.

In some cases the species being depleted are of no particular interest to the foreign fleets and are not a target species; however, they are taken incidentally to target species and the result is the same.

The efforts of Ambassador McKernan and his staff are appreciated and are helpful, but we do not feel that the agreements reached will allow the depleted stocks to recover.

We need control of these resources so that sound management programs can be devised which will insure a continued yield of food and recreation to future generations.

Your efforts in our behalf are sincerely appreciated.

Sincerely yours,

RUSSELL A. COOKINGHAM,  
*Director.*

U.S. SENATE,  
Washington, D.C., May 10, 1974.

Senator JOHN O. PASTORE,  
*Committee on Commerce,*  
*U.S. Senate*

DEAR JOHN: I regret very much that I can not be at the hearing you will be conducting on Monday, May 13, in Providence on S. 1988, legislation which would establish a 200-mile United States coastal fishery jurisdiction zone on an interim basis.

As you know, the Senate is scheduled to consider the Elementary and Secondary Education bill on Monday, and as the floor manager for that legislation, I must be in Washington.

I have, however, enclosed a statement of my views on the urgent need to protect our New England fishery resources, and I would appreciate it very much if you would include it in the record of your hearing.

Warm regards,

Sincerely,

CLAIBORNE PELL,  
*U.S. Senator.*

Enclosure.

STATEMENT OF HON. CLAIBORNE PELL, U.S. SENATOR FROM RHODE ISLAND

Mr. Chairman: I appreciate this opportunity to present to your committee my views on the urgent need to preserve and protect our traditional New England fisheries.

The evidence is clear that our New England fisheries, which rank among the richest and most productive in the world, are seriously threatened. The source of the threat is equally clear—the immense increase in the number of fishing vessels from foreign countries that have discovered the rich fishery resources of the Northwest Atlantic.

There are two seriously damaging results of this influx of foreign fishing fleets into the traditional grounds of our New England fishermen:

First, the fishery stock itself is being seriously depleted. For some species of fish, the stocks are so seriously depleted that commercial fishing for them is no longer practical. In fact, for some of these species, there is a danger of actual biological extinction.

Secondly, as the fishery resource itself is damaged and depleted, our own fishermen face economic hardship and an uncertain future.

The Northwest Atlantic fisheries are a valuable food resource for the entire world, and an essential economic resource for Rhode Island and all of New England.

The question is how we can best protect both the fishery resource and the economic interests of our fishermen.

The answer is that the United States must establish some form of effective control over this fishery. We must establish the authority, either by ourselves or in concert with other nations, to regulate the number of foreign vessels that are permitted to fish in these waters. We must establish the authority to limit the amount of fish that any nation is permitted to catch.

Through the years we have quite naturally come to view the fishing grounds off our coasts, even beyond the 12-mile fishery zone, as our fisheries. Unfortunately, under international law to which we subscribe, those fishing grounds are not legally the property of the United States.

For several years now, I have been deeply involved in efforts by the United States to establish effective control over these fisheries through enforceable international agreements. As a member of the Senate Foreign Relations Committee and as chairman of its subcommittee on Oceans and International Environment, I have had a particular responsibility to oversee these efforts on behalf of the Senate.

For years, the principal effort to keep fishing in the Northwest Atlantic under reasonable control was through ICNAF, the International Commission on the Northwest Atlantic Fisheries. The results of that effort, frankly, have been discouraging and frustrating.

The other nations participating in ICNAF consistently have refused to accept the kind of fishery conservation agreements, including quotas on the fish catch and limits on the fishing effort, that we considered essential to protect both the fishery and our fishermen. The other members of ICNAF either could not or did not want to recognize the fact that unless reasonable restrictions were imposed, the fishery as a resource would be lost to everyone.

It was not until last year, when the United States delegation to ICNAF finally made it clear that the United States would withdraw from the organization unless substantial progress toward fishing limits were imposed, that ICNAF began to respond.

But the history of ICNAF, despite the best efforts of the United States, has been a history of too little action taken too late.

At the same time that the United States has been pressing ICNAF for action, we have been preparing for the first general international conference on law of the sea questions to be held in fourteen years.

The Law of the Sea Conference will open its working sessions next month in Caracas, Venezuela, and one of the major items on the agenda is the question of fishery jurisdiction.

In preparation for this conference, several preparatory conferences have been held in Geneva and New York during the past two years. I have attended most of those conferences as a Senate advisor to the United States delegation, and I have conducted hearings by the Oceans Subcommittee to review publicly the United States preparations for the conference.

The United States proposal for fishery jurisdiction, to be presented at this conference this summer, I think is a good one. It is a proposal that would give the United States effective control over our traditional New England fishing grounds without endangering the economic interests of our fishermen on the West Coast and in the Gulf of Mexico who frequently fish within 200 miles of the shores of other nations.

The United States proposal was developed in close cooperation with spokesmen and representatives of all United States fishing interests, including our own New England fishermen, and the United States proposal has the strong support of our fishermen.

Our proposal would in fact, give our country greater control over our coastal fisheries than would a simple 200-mile fishery limit. Under this proposal, the United States would exercise management authority over all coastal species of marine fish, even if they ranged beyond 200 miles from our shores.

Under this so-called species approach, the United States would also exercise sole authority over anadromous fish, such as the Atlantic and Pacific salmon, that spawn in our rivers. Control over the wide-ranging mid-ocean fisheries,

the pelagic fisheries such as tuna, would continue to be exercised by multinational regional fisheries commissions.

Our negotiators at the Law of the Sea Conference are optimistic that agreement will be reached on a fishery jurisdiction provision not too far from the United States proposal. In any case, it is expected that some sort of 200 mile fishery or economic zone will emerge from this Conference.

In addition, the United States has proposed that the fisheries agreement reached at the conference go into effect immediately, on a provisional basis, without waiting for the time-consuming process of formal ratification by the required number of nations.

After several years of preparation, negotiations and conferences, we should know within a year whether the Law of the Sea Conference will produce an agreement that will adequately protect our fishing interests.

If, however, it appears after the Law of the Sea Conference that no effective fishery agreement is likely, then I believe the United States will have little choice but to assert, at least on an interim basis as proposed in S. 1988, control over the fisheries within 200 miles of the United States. Moreover, if this measure comes to a vote before then, I intend as a Senator from Rhode Island to vote for it.

At that time, I think we would be fully justified in doing so. Indeed, we would be remiss if we did not take action in the absence of an international agreement, because the United States can not sit idly by and watch the destruction of this rich fishery through the failure of other nations to respond responsibly.

The bill now being considered by this committee I believe should be held as a club in the closet, to be brought out and used in the event that favorable action is not taken at the Law of the Sea Conference.

Considering the extreme provocations they have been subjected to, our Rhode Island fishermen have grown understandable impatient with the snail's pace of progress toward an effective international fishery agreement.

At the Law of the Sea Conference at Caracas and, should it be recessed, at Vienna or at whatever site to which it is recessed, the United States should make it unmistakably clear that the patience of the United States and of the fishermen of our country is not un-ending, and that we can and will protect our fisheries through other means if a satisfactory international agreement is not concluded.

The introduction of S. 1988, the support for the legislation, and indeed these hearings, should serve as a message to our negotiators and to other nations that the United States intends to protect our coastal fisheries—through international agreement if possible, but by other means if necessary.

TUNA RESEARCH FOUNDATION INC.,  
Terminal Island, Calif., May 10, 1974.

HON. WARREN G. MAGNUSON,  
Chairman,  
Senate Commerce Committee,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MAGNUSON: You are aware of the U.S. tuna industry's concern and opposition to the extension of a U.S. fishery zone to 200 miles. We have appeared before your Committee to express our position and we appreciate that opportunity. Also we appreciate the time and courtesy the Committee extended to us.

In further support of our position, we enclose for your information, a copy of a letter dated September 21, 1972 from Governor Ronald Reagan to President Nixon.

With your permission, we request that you incorporate this letter into the record as part of your scheduled hearings on S. 1988.

Thank you,  
Sincerely,

JOHN P. MULLIGAN,  
Assistant Executive Director.

Enclosure.

STATE OF CALIFORNIA,  
GOVERNOR'S OFFICE,  
*Sacramento, Calif., September 21, 1972.*

HON. RICHARD M. NIXON,  
*President of the United States,  
The White House,  
Washington, D.C.*

MY DEAR MR. PRESIDENT: In 1971 I urged that the United States take an active part in the proceedings toward achieving international agreements that will protect both coastal and distant water fisheries. I am pleased to see that the Department of State has developed an international draft position which I can wholeheartedly support.

The Honorable Donald L. McKernan, Alternate, U.S. Representative to the Committee on the Peaceful Uses of the Seabed and the Ocean Floor Beyond the Limits of National Jurisdiction, submitted a position paper on August 4, 1972, which enables users of the coastal, anadromous and high seas fisheries to continue their operations according to sound management and conservation principles. It is extremely important that the position set forth in the proposal be maintained as it protects not only the diverse fishery interests within the State of California, but also those of the nation. The State Department position also considers the fishery needs of the developing nations.

This proposal has my support and I would like to commend those responsible for its development.

Sincerely,

RONALD REAGAN,  
*Governor.*

#### UNITED STATES REVISED DRAFT ARTICLE

##### REGULATORY AUTHORITY

I. Authority to regulate the living resources of the high seas shall be determined by their biological characteristics and such authority shall be exercised so as to assure their conservation, maximum utilization and equitable allocation.

##### II. COASTAL AND ANADROMOUS LIVING RESOURCES

The coastal state shall regulate and have preferential rights to all coastal living resources off its coast beyond the territorial sea to the limits of their migratory range. The coastal state in whose fresh or estuarine waters anadromous resources (e.g., salmon) spawn shall have authority to regulate and have preferential rights to such resources beyond the territorial sea through out their migratory range on the high seas (without regard to whether or not they are off the coast of said state).

A. The term "coastal resource" refers to all living resources off the coast of a coastal state except the highly migratory species listed in Annex A,<sup>1</sup> and anadromous resources.

B. The coastal state may annually reserve to its flag vessels, in accordance with this article, that portion of such coastal and anadromous resources as they can harvest.

C. Such coastal and anadromous resources which are located in or migrate through waters adjacent to more than one coastal state shall be regulated by agreement among such states.

##### III. HIGHLY MIGRATORY OCEANIC RESOURCES

The highly migratory oceanic resources listed in Annex A shall be regulated by appropriate international fishery organizations.

A. Any coastal state party, or other state party whose flag vessels harvest or intend to harvest a regulated resources, shall have an equal right to participate in such organizations.

B. No state party whose flag vessels harvest a regulated resource may refuse to cooperate with such organizations. Regulations of such organizations in accordance with this Article shall apply to all vessels fishing the regulated resources regardless of their nationality.

<sup>1</sup> Annex A not attached.

C. In the event the states concerned are unable or deem it unnecessary to establish an international organization the resources shall be regulated by agreement or consultation among such states.

#### CONSERVATION PRINCIPLES

IV. In order to assure the conservation of living marine resources, the coastal state or appropriate international organization shall apply the following principles:

A. Allowable catch and other conservation measures shall be established which are designed, on the basis of the best evidence available, to maintain or restore the maximum sustainable yield, taking into account relevant environmental and economic factors.

B. For this purpose scientific information, catch and effort statistics, and other relevant data shall be contributed and exchanged on a regular basis.

C. Conservation measures and their implementation shall not discriminate in form or fact against any fishermen. Conservation measures shall remain in force pending the settlement, in accordance with the relevant provisions of this Article, of any disagreement as to their validity.

#### UTILIZATION AND ALLOCATION

V. In order to assure the maximum utilization and equitable allocation of coastal and anadromous resources, the coastal state shall apply the following principles:

A. The coastal state may reserve to its flag vessels that portion of the allowable annual catch they can harvest;

B. The coastal state shall provide access by other states, under reasonable conditions, to that portion of the resources not fully utilized by its vessels on the basis of the following priorities:

(1) states that have traditionally fished for a resource, subject to the conditions of sub-paragraph C;

(2) other states in the region, particularly landlocked states and other states with limited access to the resources, with whom joint or reciprocal arrangements have been made; and

(3) all states, without discrimination among them.

C. Whenever necessary to accommodate the allocations to the coastal states traditional fishing may be reduced, without discrimination among those states that have traditionally fished for a resource, in the following manner:

(Formula to be negotiated within Subcommittee II which takes into account the interests of traditional fishing states.)

States whose fishermen harvest resource under regulation by a coastal state may be required, without discrimination, to pay reasonable fees to defray their share of the cost of such regulation.

#### NOTIFICATION CONSULTATION

V. The coastal state shall give to all affected states timely notice of any conservation, utilization and allocation regulations, prior to their implementation, and shall consult with others States concerned.

#### TECHNICAL ASSISTANCE

VII. An international register of independent fisheries experts shall be established and maintained by the Food and Agriculture Organization of the United Nations.<sup>2</sup> Any developing state party to this convention requiring assistance may select an appropriate number of such experts to serve as a fishery management advisory group to that state.

#### ENFORCEMENT

VIII. Actions under this paragraph shall be taken in such a manner as to minimize interference with fishing and other activities in the marine environment.

<sup>2</sup> The Subcommittee may wish, in accordance with paragraph 13 of General Assembly Resolution 2750 C (XXV), to invite the comments of the Director-General of the Food and Agriculture Organization of the United Nations on the ability of the Organization to assume such responsibilities.



A. Coastal state—the coastal state may inspect and arrest vessels for fishing in violation of its regulations. The coastal state may try and punish vessels for fishing in violation of its regulations, provided that where the state of nationality of a vessel has established procedures for the trial and punishment of violations of coastal state fishing regulations adopted in accordance with this article, an arrested vessel shall be delivered promptly to duly authorized officials of the state of nationality for trial and punishment, who shall notify the coastal state of the disposition of the case within six months.

B. International fisheries organization—Each state party to an international organization shall make it an offense for its flag vessels to violate the regulations adopted by such organization in accordance with this article. Officials authorized by the appropriate international organization, or of any State so authorized by the organization, may inspect and arrest vessels for violating the fishery regulations adopted by such organizations. An arrested vessel shall be promptly delivered to the duly authorized officials of the flag State. Only the flag State of the offending vessel shall have jurisdiction to try the case or impose any penalties regarding the violation of fishery regulations adopted by international organizations pursuant to this article. Such State has the responsibility of notifying the enforcing organization within a period of six months of the disposition of the case.

#### DISPUTES SETTLEMENT

IX. Any dispute which may arise between states under this article shall, at the request of any of the parties to the dispute, be submitted to a special commission of five members, unless the parties agree to seek a solution by another method of peaceful settlement, as provided for in Article 33 of the Charter of the United Nations. The commission shall proceed in accordance with the following provisions.

A. The members of the commission, one of whom shall be designated as chairman, shall be named by agreement between the states in dispute within two months of the request for settlement in accordance with the provisions of this article. Failing agreement they shall, upon request of any state party to the dispute, be named by the Secretary General of the United Nations, within a further two month period, in consultation with the states involved and with the President of the International Court of Justice and the Director-General of the Food and Agriculture Organization of the United Nations, from amongst well-qualified persons being nationals of states not involved in the dispute and specializing in legal, administrative or scientific questions relating to fisheries, depending upon the nature of the dispute to be settled. Any vacancy arising after the original appointment shall be filled in the same manner as provided for the initial selection.

B. Any state party to proceedings under these articles shall have the right to name one of the nationals to sit with the special commission, with the right to participate fully in the proceedings on the same footing as a member of the commission but without the right to vote or to take part in the writing of the commission's decision.

C. The commission shall determine its own procedure, assuring each party to the proceedings a full opportunity to be heard and to present its case. It shall also determine how the costs and expenses shall be divided between the parties to the dispute failing agreement by the parties on this matter.

D. Pending the final award by the special commission, measures in dispute relating to conservation shall be applied; the commission may decide whether and to what extent other measures shall be applied pending its final award.

E. The special commission shall render its decision, which shall be binding upon the parties, within a period of five months from the time it is appointed unless it decides, in the case of necessity to extend the time limit for a period not exceeding two months.

F. The special commission shall, in reaching its decision, adhere to this article and to any agreements between the disputing parties implementing this article.

#### OTHER USES

X. The exploitation of the living resources shall be conducted with reasonable regard for other activities in the marine environment.

EXISTING CONVENTIONS

XI. The provisions of this article may be applied to fishery conventions and other international fishery agreements already in force.

SAVE OUR SOUND FISHERIES ASS'N.,  
Providence, R. I., May 13, 1974.

Hon. JOHN O. PASTORE,  
U.S. Senator, Presiding,  
Senate Commerce Committee Hearing,  
U.S. District Court House,  
Providence, R.I.

DEAR SENATOR PASTORE AND MEMBERS OF THE COMMITTEE: Save Our Sound Fisheries Association is an organization of Rhode Island commercial fishermen formed for the purpose of protecting the interests of fishermen who earn their livelihoods through various forms of fishing activities in Rhode Island and the ocean waters over the continental shelf. The organization has resisted and is resisting attempts to spoil the marine environment resulting from proposals for the dumping of dredged spoil and other polluted materials in those waters.

Similarly, the members of the organization are interested in promoting efforts to protect the fish, lobsters and other marine life from destruction caused by the foreign fishing fleets.

The experience of our members is that the activities of these fleets, their great numbers and their methods of fishing, pose a serious obstruction to the fishing operations of the U.S. fishermen trying to fish this area. Moreover, these same activities have not only reduced drastically the available supply of commercially important species of marine animals but also have threatened the breeding stock of these creatures, thereby jeopardizing the future fishery.

Accordingly, this organization wishes to be recorded as supporting the proposal to extend the contiguous zone to 200 nautical miles and urging the prompt passage of legislation to this effect.

We request that you make this letter a part of the record of your hearing.

Very truly yours,

JOHN R. ALLEN,  
Secretary.

STATE OF NEW JERSEY,  
DEPARTMENT OF ENVIRONMENTAL PROTECTION,  
Trenton, N.J., May 15, 1974.

Hon. WARREN G. MAGNUSON, Chairman,  
Senate Commerce Committee,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR MAGNUSON, The New Jersey Division of Fish, Game and Shell Fisheries respectfully requests that its position in regard to extended fisheries jurisdiction, (attached) be made a part of the record of the hearing held in Providence, Rhode Island on May 13.

We had intended to testify, but were informed by Mr. Walsh that the agenda was full. He recommended that we submit our statement in writing.

Your leadership in the conservation of our living marine resources is deeply appreciated.

Sincerely yours,

RUSSELL A. COOKINGHAM,  
Director.

Enclosure.

THE PROBLEM OF FOREIGN FISHING FLEETS ON OUR CONTINENTAL SHELF

American fishermen have enjoyed 300 years of fishing on our Atlantic continental shelf with virtually no competition from foreign fishermen. While there have been fluctuations in the abundance of fish due to natural causes, overfishing

did not become a serious problems until rather recently. Our fishermen harvested several favored species (haddock, scup) at about the maximum sustainable yield level but there was no serious over-exploitation. Some species (hakes), which were not considered particularly desirable by American consumers, were extremely abundant in the latter 1950's. Limits were posted on commercial docks warning fishermen that only a limited quantity of hake would be accepted from each boat in order to avoid oversupplying the market. On the outer shelf, schools of hake could be measured in miles or hours of steaming time. This great abundance attracted the foreign fleets in the early 1960's. Haddock, cod, herring, hake and mackerel were heavily exploited by them, and in some cases, over-exploited. In the process of fishing these major resources, considerable quantities of secondary species such as scup, sea bass and summer flounder were taken. These secondary species are of great importance to New Jersey's fisheries. These species, and also the hakes, became so scarce that New Jersey fishermen could not supply the market demand.

Bilateral agreements with the Soviets and Poles have been effective in allowing some of these resources to begin to recover. The fishing industry suffered a severe blow and is still suffering because of the scarcity of many of these important species. In our area the effects would have been far more serious to the commercial fishermen if the lobster resource had not been available to tide them over. While the bilateral agreements were of some value in this area, they have failed to solve several other problems. As foreign fishing pressure was removed from species protected by the agreements, it was concentrated on other resources. Stocks of river herring and yellowtail flounder were seriously damaged before they could be brought under treaty protection.

Another problem that the bilateral agreements have not solved is that of physical crowding. American fishermen, who fish only hours from port, have no need for a large ship. While they often fish in groups on the fishing grounds, they customarily allow one another considerable elbow room. By contrast, the foreign ships are huge and generally operate in packs. It is not difficult to understand why our fishermen are crowded off of the prime fishing areas.

Finally, the foreign fleets use small meshed nets, and it is often said that gulls do not congregate around them because nothing is thrown overboard. Large quantities of unclassified fish are processed into fish meal. No one knows what proportion of this unclassified fish consists of species that are important to our fisheries.

Gear conflicts also occur when mobile fishing gear, such as trawls, destroy fixed gear, such as lobster pots. While such conflict occurs between domestic as well as foreign fishermen, it is far more complicated to resolve when the guilty party happens to be a foreign vessel.

During treaty negotiations, the burden of proof as to the status of a given resource has fallen on us. It does not seem reasonable that foreign fishermen should be allowed to exploit resources which historically have been exclusively ours until we can prove to their satisfaction that the resource is being over-fished. Collection of such data is time consuming and expensive and ties up resources that could be brought to bear on our estuaries and wet-lands problems. In the past, it has taken the cooperative effort of state, federal and university scientists to provide the necessary data. It seems reasonable that if management of fish populations is necessary because of intensive fishing, then the fishermen who are deriving the benefit of the harvest should share the cost of monitoring, management and enforcement.

While only about one thousand New Jersey fishermen are employed in fisheries whose catch depends on resources that frequent waters outside the contiguous zone, there are at least a million recreational anglers in the State. Our commercial landings, (minus the strictly estuarine and inshore species) amounted to 53 million pounds, valued at 4 million dollars at the dock and about 12 million dollars at the retail level in 1970. Recreational anglers spent an estimated 111 million dollars in pursuit of their quarry. To realize a similar 123 million dollar annual return would require an investment of 1.2 billion dollars at the current 10% lending rate. This is the value we place on the living marine resources which frequent the waters beyond the contiguous zone, and are subject to harvest or harassment by foreign fishing fleets.

The New Jersey Division of Fish, Game and Shell Fisheries urges Congress to pass legislation which will: (1) protect our living Marine resources from over exploitation until Law of the Sea action can take effect; (2) include both

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distance (200 miles) from shore and depth (200 meters) criteria in the legislation. While the former would be most easily enforced, the later is a far better limit biologically, since most of our important species do not venture beyond this depth.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
EXECUTIVE CHAMBER,  
Providence, R.I., May 29, 1974.

Hon. WARREN G. MAGNUSON,  
Chairman, Committee on Commerce,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MAGNUSON: I am sorry that I was unable to participate in the hearings on S. 1988 held by the Senate Commerce Committee in Providence, Rhode Island on May 13, 1974, but I was on a State Department trip to the People's Republic of China.

I have enclosed a copy of a statement I have prepared on this legislation. My staff has informed me that many of the important aspects of this problem were addressed by the participants in the hearings held in Providence and Boston; however, I would like to offer my comments for the record.

This piece of legislation is important, but we must be prepared to view fish in the context of a broader resource management problem. I would note that the State of Washington, have been quicker than their sister states in the Union to view timber and other natural resources in this light.

I would like to thank you for making the opportunity to comment on S.1988 available to myself and other citizens of Rhode Island who are concerned about the depletion of fish from the George's Bank because of the intrusion of foreign fleets.

Very truly yours,

PHILIP W. NOEL,  
Governor.

Enclosure.

STATEMENT OF HON. PHILIP W. NOEL, GOVERNOR OF RHODE ISLAND

Mr. Chairman and Honorable members of the Senate Commerce Committee, I greatly appreciate the opportunity to comment on S. 1988, the Interim Fisheries Zone Extension and Management Act. I regret that I was unable to attend the field hearings held in Providence, Rhode Island on May 13, 1974, chaired by the distinguished Senior Senator from Rhode Island, John O. Pastore. At that time I was in the People's Republic of China with a group of five other Governors as a part of the Sino-American cultural exchange program.

I know that you have heard from many well-qualified persons representing the fishing industry, the school of international law on this subject and those versed in the economics of ocean fishing both in Rhode Island and in other coastal states which have an endemic interest in this subject. I hope that I can offer a slightly different perspective on the problem of territorial limits speaking as a Governor who is concerned with how the United States intends to manage and protect all of its vital resources.

Let me begin by stating that I support S.1988; however, I would like to define the issues addressed directly and indirectly by this proposed legislation. First, is the issue of the manner by which the United States will seek to regulate its offshore resources. I raise this issue because it pertains not only to the depletion of fish from our offshore waters but to international jurisdiction of oil, gas, mineral and other food resources which have not yet been cultivated off of our shores. The question revolves around whether the United States should engage in bi-lateral agreement and treaties in the spirit of National interest or whether unilateral action on behalf of the public interest is more appropriate. I submit that there is no simple answer to this question, yet the Law of the Sea Conference to be held in Caracas offers a unique political forum for international debate and compromise on this question.

The second broader issue deals directly with the economic complexity of the fishing industry. Dr. Lewis Alexander of the University of Rhode Island Law of the Sea Institute raised an important point at the Providence hearings; that is, to what degree would a 200 mile limit change the economics of fleet

fishing. As you know, the Rhode Island as well as the New Bedford fleets consist of numerous individual owners, many of whom belong to cooperatives for the economic benefits of group marketing. Frankly, my concern is that an enforced 200 mile limit might drastically alter the nature of the economics of the industry and lure cartels or company fleets which could see a greater profitability in this enterprise. We must be careful that we do not damage or destroy the very system we seek to protect. I would urge that the Congress consider simultaneously the provision of special mortgage supplements or loan guarantee programs for owners of small vessels and the provision of research funds through NOAA for studying better and more efficient methods of fishing with fleets of small vessels.

A third more broad issue addresses the extent to which elected officials and decision makers will be faced with decisions which pit one resource against another. Specifically, I am looking ahead to a point in time when we will have to weigh the importance of fishing the Georges Bank against the necessity to drill for oil and natural gas. In some cases these activities are compatible yet the Federal Government has not addressed the question of resource management on a regional or a National basis. Until this is done, it will be impossible for the States and the New England States as a region to adequately assess the National need for the variety of natural resources extant on the North Atlantic Continental Shelf. I might add that the New England Governor's Conference has been working with our counterpart group representing the Canadian Maritime Provinces in exploring avenues of mutual concern in resource management of the North Atlantic.

In summary, I offer my full support to S.1988 in order that the United States take a position in support of our fishermen, both in New England and the Pacific Northwest, who face the inequity and hardship of competition with foreign fleets. I urge the Committee and the Congress to support our delegation to the Law of The Sea Conference in hope that a truly international compromise can be sustained and finally, I would urge the Committee to consider this problem in the framework of a broader resource management problem which will require attention by our government and our people in the near future.

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SHELLFISH INSTITUTE OF NORTH AMERICA,  
Baltimore, Md., June 3, 1974.

Hon. WARREN G. MAGNUSON, *Chairman,*  
*Committee on Commerce,*  
*U.S. Senate,*  
*Old Senate Office Bldg.,*  
*Washington, D.C.*

DEAR SENATOR MAGNUSON: We would like to take this opportunity to state our position regarding S. 1988 "Interim Fisheries Zone Extension and Management Act of 1973", and similar bills.

The Shellfish Institute of North America supports S. 1988 and similar bills. We are in favor of the protection of our fisheries out to 200 miles or to the edge of the Continental Shelf, whichever is greater.

Our Association represents members in the oyster, clam, crab, and various segments of the shellfish industry. The members of our Association constitute a large segment of the Fisheries industry in the United States. Our Association feels that speedy action is necessary in order to protect our coastal fish from decimation. The increasing foreign fishing effort continues to threaten and create more destruction of our fisheries resources.

Sincerely,

EVERETT A. TOLLEY,  
*Executive Director.*

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THE CITY OF SAN DIEGO,  
San Diego, Calif., June 6, 1974.

Senator WARREN G. MAGNUSON,  
*Chairman, Senate Commerce Committee,*  
*Old Senate Office Building,*  
*Washington, D.C.*

DEAR SENATOR MAGNUSON: The City Council of The City of San Diego, California, has adopted a resolution opposing the enactment of Senate Bill 1988, which is proposal to establish a 200-mile fishery zone, among other things.

A certified copy of Resolution No. 210633, adopted on May 16, 1974, is enclosed.

Yours very truly,

EDWARD NIELSEN,  
*City Clerk.*

Enclosure.

RESOLUTION No. 210633, MAY 16, 1974

Whereas, United States Senator Warren G. Magnuson has introduced Senate Bill 1988, a proposal to establish a 200-mile fishery zone, among other things; and

Whereas, Senate Bill 1988 represents a unilateral declaration of jurisdiction by the United States Delegation in the coming Law of the Sea Conference and greatly hamper the chances for a satisfactory settlement of the Law of the Sea issue, including the fisheries, on a multilateral basis; and

Whereas, the passage of Senate Bill 1988 represents a fisheries position that is different from the United States fisheries proposal presented to the preparatory sessions of the Law of the Sea Conference and therefore endangers the economic survival of important segments of the salmon, shrimp, and tuna industries of the United States; and

Whereas, Senate Bill 1988 will not in fact protect the tuna stocks relied upon by the United State Tuna Industry and would in fact weaken existing tuna conservation regimes established in the Pacific Ocean by the Inter-American Tropical Tuna Commission and, in the Atlantic, by the International Commission for the Conservation of Atlantic Tunas; and

Whereas, Senate Bill 1988 adversely affects the San Diego Tuna Fleet and thereby the entire California Fishing Industry because such proposed bill would require the United States Tuna Fleet to depend wholly upon the grace of foreign governments for its opportunity to fish tuna in the traditional fishing grounds established and developed by such fleet; and

Whereas, it is further noted that in 1973 ninety-one percent (91%) of all tuna landed by United States tuna fishermen were caught within waters beyond United States shores; that in 1973 tuna landings in California represent about eighty percent (80%) of the entire landing value of fish and shellfish to California fishermen; and finally, that it is estimated that for 1973 the dollar impact of the tuna industry in the economy was approximately \$270 million, causing many small business firms in San Diego highly dependent upon such industry; Now, Therefore, be it

*Resolved*, by the Council of The City of San Diego, as follows:

1. The Congress of the United States of America is respectfully petitioned to oppose the enactment of Senate Bill 1988.

2. The President of the United States of America is respectfully requested to oppose the enactment of Senate Bill 1988.

3. The City Clerk of The City of San Diego is authorized and directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the Honorable Senator Warren G. Magnuson, Chairman, Senate Commerce Committee, and to the Honorable Representative Leonor K. (Mrs. John B.) Sullivan, Chairman, Committee on Merchant Marine and Fisheries.

Approved.

JOHN W. WITT,  
*City Attorney.*  
ROBERT S. TEAZE,  
*Assistant City Attorney.*

STATE OF NEW HAMPSHIRE,  
FISH AND GAME DEPARTMENT,  
Concord, N.H., June 7, 1974.

HON. WARREN G. MAGNUSON, *Chairman,*  
*Senate Committee on Commerce,*  
*New Senate Office Building,*  
*Washington, D.C.*

DEAR SENATOR MAGNUSON: The New Hampshire Fish and Game Department, the state agency responsible for the regulation and conservation of marine

resources in coastal and estuarine waters wishes to be recorded as strongly favoring S. 1988, which will provide the vital extension of United States fisheries jurisdiction on an interim basis. Although our coastline is relatively small, we consider our marine fin-fish and shellfish resources as invaluable. Our commercial fishermen depend upon these resources for their livelihood and our sport fishermen for many hours of recreation and relaxation. The businesses which support these endeavors form an important part of the total economy of our coastal region.

There is no question that our marine fin-fish resources are seriously threatened by over-exploitation from super efficient foreign fishing efforts. Attempts to manage these resources through international agreement have been miserable failures. It is our professional opinion that the only hope there exists for saving from practical extinction most of the important fin-fish species now living along our continental shelf is the swift passage of S. 1988 and its companion bill in the house. Only in this way will intelligent management of these fisheries become possible, thus protecting the future of our fishing industry, and the best interests of all the people of this country.

Sincerely yours,

BERNARD W. CORSON,  
*Director.*

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CITY OF BOSTON IN CITY COUNCIL

COUN. HICKS AND IANNELLA

Whereas, the City of Boston is the center of a great fishing industry which has been in recent years harassed by the activity of foreign vessels that fish off the United States Coastal waters; and

Whereas, the fishing industry of Boston and the entire New England Coast is experiencing serious depletion of the fishing stock particularly the haddock species; and

Whereas, in order to preserve the fishing resources off the coast, and to protect the economic interests of our fishermen, it is necessary to extend the limit of the United States territorial sea for two hundred miles; and

Whereas, Senator Warren G. Magnuson has filed in the United States Senate bill S1988 and Representative Gerry Studds has filed a companion bill in the United States House of Representatives House bill #8665 "Interim Fisheries Zone Extension and Management Act" which would extend the limit of the United States territorial sea to 200 miles; and

Whereas, the legislation has been endorsed by the fishing industry in Boston and New England whose members are sailing in their fishing vessels to Washington, D.C. in order to gather support for the legislation; now, therefore, be it

*Resolved*, That the Boston City Council in meeting assembled support S1988 and H8665 and request the Clerk of the Boston City Council to forward to the Massachusetts Congressional Delegation and also to Senator Magnuson and Representative Studds a copy of this resolution; and be it further

*Resolved*, That the Boston City Council extend best wishes for a successful trip to the members of the fishing fleet sailing to Washington, D.C.

In City Council June 3, 1974. Adopted.

Attest:

J. M. DUNLEA,  
*City Clerk.*

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ATLANTIC STATES MARINE FISHERIES COMMISSION,  
*Washington, D.C., June 12, 1974.*

Hon. WARREN G. MAGNUSON,  
*Chairman,*  
*Committee on Commerce,*  
*U.S. Senate,*  
*Washington, D.C.*

DEAR SENATOR MAGNUSON: Thank you for your invitation to testify on behalf of the Atlantic States Marine Fisheries Commission before your Committee on the issue of United States extension of its contiguous fishery zone to 200 nautical miles.

As you know from my previous correspondence and the earlier testimony of some of our Commissioners, our fifteen state 45 members Commission has overwhelmingly voted to support S. 1988, the Interim Fisheries Zone Extension and Management Act, which you introduced in June of 1973. We are aware that an updated version of this proposed legislation combines features of the original bill and the Administration-sponsored High Seas Fisheries Conservation Act S. 1060 which would grant the Secretary of Commerce management authority over fisheries in the present contiguous zone and in the international zone beyond.

For Atlantic Coast fishermen, both commercial and sports, and for our coastal states fisheries administrators, the issues of extended jurisdiction and curbing the devastating foreign fleet pulse fishing off our coasts today, and not at some hazy future date, is the paramount fisheries need of recent times.

Regretfully, because of a personal family commitment I cannot be present at the June 14th hearing, but I have prepared a statement of the Commission's position on interim extended fisheries jurisdiction which I would respectfully ask you to include in the record.

We very much appreciate your interest in the Commission's views on this important fisheries legislation.

Sincerely,

IRWIN M. ALPERIN,  
*Executive Director.*

Enclosure.

STATEMENT OF IRWIN M. ALPERIN, EXECUTIVE DIRECTOR  
ATLANTIC STATES MARINE FISHERIES COMMISSION

Mr. Chairman, members of the Committee, thank you for this opportunity to appear before you today to appraise you of the views of the Atlantic States Marine Fisheries Commission on S. 1988, the "Interim Fisheries Zone Extension and Management Act of 1973."

I am Irwin M. Alperin, Executive Director of the Atlantic States Marine Fisheries Commission, an interstate compact of 45 members representing the fifteen Atlantic Coast States from Maine to Florida. I personally have been concerned with estuarine and coastal fisheries conservation, research, management and utilization for 25 years, first as a marine fisheries research biologist, then a State fisheries administrator and more lately in my present position of cooperation, advising on international fisheries affairs and developing a working partnership in marine fisheries conservation and management between guiding and influencing our East Coast fisheries interests into closer interstate our member states and the Federal oceanic and fisheries agencies.

Our Commission has long been aware of and concerned about the deleterious effects of foreign fishing vessel activity on the living, renewable resources of the Continental Shelf of the Atlantic Seaboard. We have watched the foreign fleets grow since the early 1960's, we have been made intimately aware of the unconscionable overfishing they have created and we know of the disastrous decline of the stocks of fish traditionally caught almost exclusively by our domestic fishermen since this nation was colonized. We have observed this foreign fleet build to record proportions in most recent years, quickly extending its area of operations from off New England, first down to the offing of Chesapeake Bay and now south of Cape Hatteras so East Coast fishermen from Maine to North Carolina and perhaps even further south are feeling the brunt of disastrous pulse fishing which depopulates an area of fish before moving on to another stock, another species. And we have waited in vain for more than ten years for something to be done about this rape of our fisheries.

I don't need to quote the statistics of our declining catch and the names of the species of fish that have all but disappeared—or are such remnant populations as to make fishing unprofitable. You have had these figures and species exclaimed to you over and over from people better qualified than I to quote. In fact, Mr. Chairman, you used many of them yourself in introducing S. 1988. They speak for themselves.

We in the Atlantic States Marine Fisheries Commission see no other relief for the resource and our fishermen than to declare an immediate emergency, extension of our contiguous fishing zone out to 200 nautical miles. Perhaps then we can await with more equanimity a more permanent solution to the world's coastal fisheries management to come forth from the Law of the Sea Conference commencing this month at Caracas, Venezuela.



Our international multilateral agreements have failed. On the Atlantic side, the International Commission for the Northwest Atlantic Fisheries has been asked and it has failed to conserve the resource. Our bilateral agreements with half a dozen nations including USSR, Poland, Japan, Romania *et al* have failed. So we must, in our opinion, take this unilateral action, garner control of our Continental Shelf fisheries resources, establish a creditable management system that will provide for optimum sustainable yields of each species, and once populations have returned to earlier norms then provide for foreign catch of a share of those species and stocks that we cannot entirely utilize.

As early as October 1970, long before the plethora of extended fisheries jurisdiction bills were brought before the Congress, at our 29th Annual Meeting our Commissioners adopted a resolution "that" and I quote "National fisheries jurisdiction be extended to 200 meters or 100 miles whichever is the greatest." But no one was listening. We saw the need then and we see it more now. By way of expression of interest and concern for the early demise of our commercial and sport fisheries, at our last annual meeting this past October the Commissioners adopted, almost unanimously, with the single exception of the Florida delegation this resolution:

"Whereas, foreign fishing efforts off the coast of these United States have materially depleted stocks of marine fish upon which the domestic commercial and recreational fishing industry thrives; and

Whereas, the Atlantic States Marine Fisheries Commission strongly believes that the Federal Government should assume a positive stance in protecting the stocks of fish which the domestic industry prefers to harvest; Therefore, be it Resolved, That the Atlantic States Marine Fisheries Commission vigorously support S. 1988 and H.R. 8665 as appropriate measures for interim extension of United States jurisdiction over its marine fisheries to 200 miles; and further urges that hearings on this legislation be held as soon as practicable."

We still believe this way today and nothing that we have learned since hearings commenced on S. 1988, and its companion bill in the House, has convinced us that there is any other way to save our domestic coastal fisheries and the resources upon which they depend.

On behalf of the Commission, we thank you Mr. Chairman for being received here and for the privilege of addressing the Committee on this most vital of current fisheries themes.

SEATTLE, WASH., July 3, 1974.

Hon. WARREN G. MAGNUSON,  
U.S. Senator, Old Senate Office Building,  
Washington, D.C.

DEAR SENATOR MAGNUSON: On June 28, 1974 at 11.00 P.M., Loran reading 31.20 X 42.60 a fleet of Japanese gillnetters, accompanied by a mother ship, set transparent nets and fished until daybreak June 29, 1974, at which time the fleet departed. The Japanese insignia, the Rising Sun, was clearly discernible.

The fleet was fishing beyond the twelve mile limit, as were boats of the Washington State fishing fleet. During that night, a run of salmon off Destruction Island was completely wiped out.

Observers were Jim Hulse, on the troller "Julie Mae", and O.K. Krueger on the troller "Carolyn Page", fishing out of La Push, Washington.

This statement is offered as evidence of Japanese fishing fleets fishing for salmon that were reared in west coast waters.

Most respectfully,

Mrs. O. K. KRUEGER.

#### THE 200-MILE LIMIT AND THE LAW

By Christopher M. Weld\*

Since the introduction of the Interim Fisheries Zone Extension and Management Act of 1973 (S. 1988; H.R. 8665), many legal arguments have been employed to attack this bill's underlying assumption: namely, that a coastal nation has the right to extend its jurisdiction over fisheries in coastal waters beyond its territorial sea. The contentions put forward by the bill's opponents are (i) that it violates traditional concepts of freedom of the sea; (ii) that

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it violates customary rules of international law; and (iii) that it violates the Geneva Conventions of 1958 and 1960.

S. 1988 was filed in response to the demands of coastal fishermen who were alarmed by the immensity of the fishing effort and the mounting evidence of severe depletion of fish stocks in fisheries traditionally regarded as American. Regardless of differences of opinion concerning the degree of depletion of any given area or species, it is a generally accepted fact that the size and efficiency of the world's fleets of distant-water fishing vessels have the capability of depleting a given fishery in a very short time.<sup>1</sup> It is inarguable also that a number of commercially valuable species traditionally caught in the coastal waters adjacent to the United States have been depleted to the point of being nearly extinct for commercial purposes.<sup>2</sup>

For hundreds of years, the doctrine of freedom of the seas was held to include the freedom of unrestrained fishing in the high seas, and this principle was incorporated in the Geneva Convention on the High Seas.<sup>3</sup> As defined by the Convention, the term "high seas" includes all waters beyond the territorial sea, which until well into the twentieth century at least were generally agreed to be restricted to a distance of three miles from a nation's coastline. Within this three-mile limit, the nation claiming it is entitled to exercise the same full extent of sovereignty and control that it exercises over its land, subject to the right of innocent passage. This doctrine traces back to an essay of Hugo Grotius entitled "Mare Liberum," published in 1609, and the notion that all nations are equally entitled to the fish in the high seas was based upon the theory that fish constituted an inexhaustible resource.

Today, fish are increasingly viewed as limited and depletable rather than an inexhaustible resource. The concept of exhaustibility of a fishery has both economic and conservation aspects. First, at some level of intensity of exploitation, there may not be enough fish available in the fishery to provide an economically profitable yield for all fishermen who wish to exploit it. Once the point is reached at which a fishery is in this sense "fully utilized," higher catches by one fisherman will result in reduced catches by others. Given the high fixed costs of fishing operations, unrestricted access and intensive levels of exploitation beyond the point of full utilization may lead to a situation where many participating fishermen will obtain little or no profit from their fishing efforts. Second, the biological characteristics of certain fish species are such that fishing efforts and catches above a certain level of intensity may result in a long-term biological impairment of productivity of the stock, with consequent harm to the fishery as an economic resource.<sup>4</sup>

Add to this the fact that most of the seas' living resources are located in coastal waters 200 miles from shore and also that more of the world's fisheries are overexploited than underutilized at a time when the world's growing population demands ever-increasing amounts of protein, and the reasons for the reexamination of the doctrine of freedom of the seas begin to emerge.

Just as the law of the land evolves in a response to the changing needs and attitudes of the people of any given nation, the changing circumstances of nations is reflected in international law. National law, however, is usually a combination of statute and court practice and operates as a restraint upon the individual who is relatively powerless compared to the state. Because, in international law, the court can obtain jurisdiction only if the parties submit themselves to it, few disputes of real magnitude are tried before the International Court of Justice. There is no authority capable of creating or enforcing statutory law, and the power of individual nations can be very great. The law that governs nations is the law of treaties and customs, and it is said to grow by 'progressive developments' which is largely a matter of assertions and mutual tolerances.

<sup>1</sup> Statement by Dr. James Joseph, Director of Investigations, Inter-American Tropical Tuna Commission, Proceedings from Oregon's 1971 National Discussion Forum 74 (1972) [hereinafter cited as 1971 Oregon Proceedings]; Jacobsen, Bridging the Gap to International Fisheries Agreement: A Guide to Unilateral Action, 9 San Diego L. Rev. 454, 459-461 (1972).

<sup>2</sup> On the East Coast, Haddock is a frequently cited example as are halibut and ocean perch on the West Coast.

<sup>3</sup> Convention on the High Seas, open for signature April 29, 1958, [1962] 2 U.S.T. 2312, T.I.A.S. No. 5200, 450 U.N.T.S. 82 [hereinafter cited as Convention on the High Seas].

<sup>4</sup> Bilder, The Anglo-Icelandic Fisheries Dispute, 1973 Wisconsin L. Rev. 37, 45.

With respect to the traditional doctrine of freedom of the seas, there appear to be conflicting 'progressive developments': on the one hand, the 1958 and 1960 Geneva Conventions and on the other, unilateral declarations of fisheries zones by a growing number of coastal states. The purpose of this paper is to examine the current status of the doctrine of freedom of the seas in order to determine whether the concept of exclusive fisheries zones is compatible with the doctrine as it is now generally accepted by the world community.

# I. HISTORIC BACKGROUND

For a century following the discovery of the New World, a closed sea obstructed European commercial development. In 1493 a Borgla pope arbitrarily divided the oceans in two, granting exclusive rights in one part to Spain and in the other to Portugal. A new order emerged following England's defeat of the "Invincible Armada" in 1588 and the subsequent establishment of British naval supremacy. As the seas were freed from the Spanish-Portuguese monopoly, colonies sprang up in North America and other parts of the world; the volume of world trade expanded substantially; and Europe began its modern economic growth.

A new juridical regime was established at the beginning of the seventeenth century to provide a justification for the new economic order. In a work published after "Mare Librum," Hugo Grotius, a spokesman for Dutch commercial interests concluded that the seas were open to all due to their inherently indivisible nature.<sup>5</sup> In time, the principle that no state could impose its sovereignty upon the sea became widely adopted and was further justified by the notion that its resources were inexhaustible. It followed that fish were a 'free good' available to whomever made the effort to catch them.<sup>6</sup> Gradually, exceptions were made; among them exceptions for piracy, control of the slave trade, hot pursuit and rescue. But the most important was the doctrine of the "territorial sea," formulated in the late eighteenth century.

The first measure of coastal state's seaward jurisdiction was the "cannon shot rule." A coastal state could exercise jurisdiction as far as its cannon would fire. Later, three miles was adopted as a uniform limit on jurisdiction. The three-mile limit has never been universally accepted as a maximum limit, nor has it ever been sanctioned by a general international convention, in spite of three attempts to codify it.<sup>7</sup> Since the eighteenth century, a number of countries, including the United States, have asserted exceptions to the three-mile limit and bent the doctrine of freedom of the seas to serve special purposes.

The movement away from absolute freedom of the seas gained momentum during the Presidency of Franklin D. Roosevelt, who tended to overlook the three-mile rule when, in his opinion, it inadequately served United States economic and military policies. The U.S. move away from the doctrine of absolute freedom of the sea came to a climax with the Truman proclamations of 1945.<sup>8</sup> Beginning with Mexico in 1945 and followed shortly by Argentina and Chile, a number of Latin American nations, in reliance upon the Truman proclamations, claimed fisheries jurisdiction and in some cases total sovereignty to a distance of 200 miles from shore. In 1945 no United States fishing interests existed in the area affected by the Mexican proclamation. When other nations jumped onto the 200-mile bandwagon, however, representatives of the booming California tuna fleet served notice on the State Department that they expected to expand operations into Latin American waters in the near future. Thereupon, the United States retreated to the three-mile rule, declaring such to be in the best interests of all nations.<sup>9</sup>

The looming confrontation between coastal nations asserting the right to protect marine resources and overseas fishing nations rejecting such assertions

<sup>5</sup> H. Grotius, *De Juri Belli Ac Pacis*, (F. Kelsey trans., 1925), 190-91.

<sup>6</sup> I. E. Vattel, *Law of Nations*, 1957, (C. Fenwick trans., 1916)) 106-10.

<sup>7</sup> Loring, "The United States-Peruvian Fisheries Dispute," 23 *Stanford L. Rev.* 391.

<sup>8</sup> Presidential Proclamation No. 2667, *Policy of the United States with Respect to the National Resources and Seabed of the Continental Shelf* (1945); 3 CFR § 67 [hereinafter cited as *Truman Proclamation on the Continental Shelf*]; Presidential Proclamation No. 3688, *Policy of the United States with Respect to Coastal Fisheries in Certain Areas of the High Seas* (1945); 3 CFR § 68 [hereinafter cited as *Truman Proclamation on Fisheries*].

<sup>9</sup> Loring, *Supra* note 8 at 395.

led to the convocation of the Geneva Conventions of 1958 and 1960. Whatever these conventions accomplished, and there is substantial disagreement as to that, neither of them achieved agreement on the breadth of territorial waters and the claims to exclusive fishing zones.<sup>10</sup> Nevertheless, the concept of extended fisheries jurisdiction at least to a distance of twelve miles from their coasts.<sup>11</sup> The appearance and rapid build-up of large distant water fleets in the Northwest Atlantic and the Northeast Pacific in the early 1960's gave new impetus to demands in the United States, principally from the coastal fishing industry, for increased control over foreign fishing,<sup>12</sup> and the State Department gave the proposed action its blessing on the basis that recent developments in international practice allowed the rule to be in conformity with international law.<sup>13</sup> Thus, in October, 1966 Congress unilaterally extended United States exclusive fisheries jurisdiction to twelve miles.<sup>14</sup> The action was questioned only by the tuna industry, the shrimp industry and legal scholars.<sup>15</sup>

By the beginning of 1973, at least 16 nations had established territorial, fisheries or fisheries conservation limits of 50 miles or more,<sup>16</sup> and the fishing nations were trying to convene a new Law of the Seas Conference. The developing nations tend to regard this effort as an attempt by the United States and the Soviet Union to hold the line against the demands of the developing world for a greater share in control of the ocean's wealth. In this context, it is not surprising that among the developing nations, the concept of freedom of the seas is regarded as little more than a pretext for continued great power control and exploitation of the seabed and fishing resources at the expense of smaller and poorer countries. As an historical footnote, it is interesting to note that this thesis was first asserted in 1938 by Professor Joseph W. Bingham of the Stanford Law School.<sup>17</sup>

## II. AMERICAN PRECEDENTS

Today, many of the developing nations tend to regard U.S. assertions of the immutability of the doctrine of freedom of the seas as hypocritical, and in view of the long history of differing U.S. attitudes toward the doctrine, it is not hard to see why.

In 1886, for example, the United States, citing the right of self protection, attempted to regulate foreign vessels exploiting fur seals in the Bering Sea beyond its three-mile territorial waters. The Anti-Smuggling Act of 1935 granted the President authority "to proclaim an area extending one hundred nautical miles north and south from a point in which a suspected ship is hovering and including all the waters sixty-two miles from the coast within the area of two hundred miles thus designated."<sup>18</sup> Shortly after the outbreak of hostilities between Germany and Poland, the United States called a meeting of hemisphere foreign ministers to discuss mutual defense concerns. The result was the Declaration of Panama of October 3, 1939, which established a 300-mile defense zone around the hemisphere.<sup>19</sup> The American States declared their "inherent right" to have the zone "free from the commission of any hostile act by any non-American belligerent nation," and they agreed to "consult together to determine upon the measures which they may individually

<sup>10</sup> Bishop, Convention on Fishing and Conservation of the Living Resources of the High Seas, April 29, 1958, 62 Columbia L. Rev. 1205 (1962); Schaeffer, Some Recent Developments concerning Fishing and the Conservation of the Living Resources of the High Seas, San Diego L. Rev. 371 (1970); Oliver, Wet War-North Pacific, The Public Order of the Oceans, 1962; Bilder, *Supra* note 4 at 49; McKernon, 1971 Oregon Proceedings, 16.

<sup>11</sup> Statement of L. C. Meeker, Legal Advisor, Department of State, 1966 Senate Hearings 21.

<sup>12</sup> Swygard, Politics of the North Pacific Fisheries--with Special Reference to the Twelve-Mile Rule, 43 Washington L. Rev. 269 (1967).

<sup>13</sup> Agency Report of the Department of State in 1966 Senate Hearings 2.

<sup>14</sup> Act of October 14, 1966, 80 Stat. 308 [hereinafter cited as U.S. 12-mile Limit Act].

<sup>15</sup> Loring, *supra* note 8 at 409.

<sup>16</sup> Bilder, A partial listing of nations claiming 50 miles or more includes Argentina, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Honduras, Guinea, Nicaragua, Panama, Peru, Uruguay, Iceland, South Korea, Ghana, Pakistan, India and Ceylon, in addition to which Canada extended its jurisdiction to 100 miles for pollution control, and Mexico, Norway and the Peoples Republic of China have indicated plans to extend jurisdiction in the near future.

<sup>17</sup> Bingham, Report on the International Law of Pacific Coastal Fisheries (1938).

<sup>18</sup> Anti-Smuggling Act of 1935, 19 USC §§ 1701-11.

<sup>19</sup> 5 For. Rel. U.S. 36-37 (1939).

or collectively undertake in order to secure the observation of the provisions of the Declaration." The British government viewed the Declaration as a threat to "the well-established principle of international law relating to the freedom of the seas and the rights of both neutrals and belligerents to utilize the sea as a public highway open to all alike."<sup>20</sup> Following World War II, the zone was extended from pole to pole and made permanent by Article 4 of the 1947 Inter-American Treaty of Reciprocal Assistance.<sup>21</sup> This treaty has led some Latin Americans to question why, if the American states may jointly set 300-mile zones for defense of national interests against foreign military harm, cannot the same states validly establish 200-mile zones for the defense of national interests from foreign economic harm?<sup>22</sup>

In 1945 the Truman Proclamation on the Continental Shelf announced the annexation of the "national resources of the subsoil and seabed of the continental shelf beneath the high seas and seabed of the continental shelf beneath the high seas but contiguous to the coasts of the United States." By way of justification, the proclamation stated "recognized jurisdiction over these resources is required in the interest of their conservation and prudent utilization. . . ; the exercise of jurisdiction . . . is reasonable and just . . . ; self-protection compels the coastal nation to keep close watch over activities off its shores. . . ." Thus, the United States acquired jurisdiction over submerged lands equal in an area to the Louisiana Purchase simply by boldly asserting a newly conceived right.<sup>23</sup>

Professor Jon L. Jacobson<sup>24</sup> refers to the Truman Proclamation as the Great Precedent for the Latin American 200-mile claims, the Convention on the Continental Shelf,<sup>25</sup> extra-territorial exclusive fishing zones, such as the U.S. 12-Mile Limit Act and the Canadian anti-pollution legislation.<sup>26</sup> It should be added that the justification, upon which it is based—namely, reasonableness, the need for conservation, and self-protection, both anticipates and summarizes all subsequent rationalization advanced by proponents of jurisdictional extension.

Truman's Fisheries Proclamation followed his proclamation on the Continental Shelf. It sanctioned the establishment of conservation zones in areas of the high seas contiguous to the United States; it recognized "the right of any state to establish conservation zones off its shores . . ." and rested upon "the inadequacy of present arrangements for the protection and perpetuation of fishery resources," "the possibility of improving the jurisdictional basis for conservation measures," "(the 'special importance' of) fishery resources . . . to coastal communities as a source of livelihood and to the nation as a food and industrial recourse; and urgent need to protect fishery resources" and "the special rights and equities of the Coastal State and of any State which may have established legitimate interest therein." Shortly thereafter, Mexico proclaimed its jurisdiction over the continental shelf and fisheries in superadjacent waters, and this claim was recognized by the United States in 1946.<sup>27</sup> When Argentina, Chile and Peru followed the Mexican declaration with assertions of 200-mile jurisdiction, however, the United States, at the urging of the California tuna industry, retreated from the policy stated by President Truman.

Critics of U.S. fisheries policy in subsequent years allege that it has been dominated by the distant-water fisheries industry. Whatever the truth of this may be, 200-mile limits are anathema to U.S. tuna and shrimp boat operators who frequently operate with 200 miles of Latin American coastal nations. They claim that the 200-mile jurisdiction asserted by these nations is asserted for revenue-raising rather than conservation purposes and that any tax imposed upon their catch impairs their ability to compete in world markets. Certainly U.S. policy as articulated by the State Department and

<sup>20</sup> 5 For. Rel. U.S. 29 (1939).

<sup>21</sup> Inter-American Treaty of Reciprocal Assistance, September 2, 1947, 62 Stat. 1681 (1498); T.I.A.S. No. 1838.

<sup>22</sup> Loring, *supra* note 2 at 417.

<sup>23</sup> *Id.* at 397.

<sup>24</sup> Jacobson, *supra* note 1 at 455.

<sup>25</sup> United Nations Conference on the Law of the Sea: Convention on the Continental Shelf, open for signature April 29, 1958 (1964), 1 U.S.T. 471, T.I.A.S. No. 5578 559 U.N.T.S. 285 [hereinafter cited as Convention on the Continental Shelf].

<sup>26</sup> See note 7.

<sup>27</sup> Note from Acting Secretary of State Clayton to Ambassador Espinosa de los Monteros Jan. 24, 1946, Dep't of State file no. 812,0154/12-1445.

sympathetic Congressional action have favored our distant-water fishermen, but U.S. policy touching on issues directly and indirectly relating to the doctrine of freedom of the seas has been highly inconsistent in recent years.

Under the Fisherman's Protective Act of 1954,<sup>28</sup> the federal government compensates vessel owners for fines paid to foreign governments for seizures within a 200-mile limit. At the time that the bill was adopted, the necessity of protecting United States rights on the high seas was cited, and, in practice, the custom of encouraging tunaboat operators not to purchase licenses was held to be an assertion of the principle that U.S. vessels operating on the high seas cannot be subjected to the jurisdiction of any other nation. With the passage of time and the aggregation of fines paid, however, it has come to appear that the United States has, in effect, subsidized Latin American 200-mile limits. This appearance, so contrary to stated intent, has been enhanced by the terms of the United States-Brazilian Shrimp Conservation Agreement,<sup>29</sup> concluded on May 9, 1972, under which the United States agrees to license and limit the catch of American shrimp boats fishing within the 200-mile limit claimed by Brazil and authorizes the Brazilian Navy to police compliance with the arrangements. While the treaty expressly reserves the U.S. position with respect to 200-mile limits, it provides that Brazil may board, search and arrest American fishing vessels believed to be violating the arrangements, and it provides that the U.S. will underwrite Brazil's enforcement expenses. The agreement is a tacit acknowledgement of Brazil's special interest in the fisheries resources off its coast.<sup>30</sup> Adoption of the treaty has been implemented by the passage by Congress of the Offshore Shrimp Fisheries Act of 1973 recently signed into law by President Nixon.

In contrast to this apparent willingness to adapt to assertions of extended jurisdiction, the Congressional mood of the 1950's and 1960's is reflected by the provisions of the Fish and Wildlife Act of 1956,<sup>31</sup> Senator Thomas Kuchel's "Freedom of the Seas Amendment" to the Foreign Assistance Act of 1965<sup>32</sup> and the Pelly Amendment to The Fisherman's Protective Act of 1967,<sup>33</sup> all of which seek to protect the rights of U.S. fishermen to fish on the high seas without interference by foreign nations. Nevertheless, the Congressional action of this period was as out of step with the changing attitudes of the international community of that time as the codifications of the 1958 and 1960 Geneva Conferences are with the attitudes of the international community today.

### III. THE GENEVA CONVENTIONS

The 1958 Geneva Law of the Seas Conference succeeded in adopting four major Conventions on the Law of the Sea: the Convention of the High Seas, the Convention on the Territorial Sea and the Contiguous Zone, the Convention on the Continental Shelf and the Convention of Fishing and Conservation of the Living Resources of the High Seas.<sup>34</sup> As has already been said, the conference failed to reach any agreement on the crucial issues of the maximum breadth of the territorial sea or the fisheries limits.<sup>35</sup> A second conference convened in 1960, especially for the purpose, also failed to reach agreement on the maximum breadth of the territorial sea and fisheries limit, although a U.S.-Canadian proposal for a territorial sea of six miles plus an additional six-mile contiguous exclusive fisheries zone failed by one vote to receive the necessary two-thirds approval of the Conference. The net result on this score was to reveal a considerable body of opinion supporting the view that a coastal state should be able to claim an exclusive fisheries zone of twelve miles.<sup>36</sup>

<sup>28</sup> Fisherman's Protective Act of 1954, 22 U.S.C. §§ 1971-76 (1964).

<sup>29</sup> Agreement between Brazil and the United States Concerning Shrimp, May 9, 1972, reprinted in 11 Int'l Legal Materials, 453 (1972).

<sup>30</sup> Bilder, *supra* note 4 at 124.

<sup>31</sup> Fish and Wildlife Act of 1956, 16 U.S.C. § 742 a-j (1964).

<sup>32</sup> Foreign Assistance Act of 1965, Pub. L. No. 89-171, 79 Stat. 660 (1965).

<sup>33</sup> Fisherman's Protective Act of 1967 Pub. L. No. 90-482 § 3, 82 Stat. 730 (1968).

<sup>34</sup> Convention on the High Seas, *supra* note 3; Convention on the Territorial Sea and the Contiguous Zone, open for signature April 29, 1958 (1964) U.S.T. 1806, T.I.A.S. No. 5639, 516 U.N.T.S. 205; Convention on the Continental Shelf, *supra* note 27; Convention of Fishing and Conservation of the Living Resources of the High Seas [hereinafter cited as the Convention on Fishing], open for signature April 29, 1958 (1966) 1 U.S.T. 138, T.I.A.S. No. 5969, 559 U.N.T.S. 285.

<sup>35</sup> Bishop, *supra* note 11; "(I)t has not been put into practice by the world's great fishing nations or the major coastal nations which have been concerned with fisheries in the past two decades." McKernan, 1971 Oregon Proceedings 16.

<sup>36</sup> Bilder, *supra* note 4 at 51.

The Convention on the High Seas defines the "high seas" as "all parts of the sea that are not included in the territorial sea or in the internal waters of a State" and defines freedom of the seas as follows:

"The high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty. Freedom of the high seas is exercised under the conditions laid down by these articles and by the other rules of international law. It comprises, *inter alia*, both for coastal and non-coastal States:

- "(1) Freedom of navigation;
- "(2) Freedom of fishing;
- "(3) Freedom to lay submarine cables and pipelines;
- "(4) Freedom to fly over the high seas.

"These freedoms, and others which are recognized by the general principles of international law, shall be exercised by all States with reasonable regard to the interests of other States in the exercise of the freedom of the high seas."

While few nations would quarrel with the principles expressed by this provision, many would disagree as to the meaning of the term "high seas," and some might argue that the exercise of the freedom to fish "with reasonable regard to the interests of other States" would include the special interest of a coastal state in its coastal waters, which the conference attempted to define in the Convention on Fishing. This convention declared that all States have the duty to adopt "such measures as may be necessary for the conservation of the living resources of the high seas" and that a coastal State has "a special interest in the maintenance of the productivity of the living resources in any area of the high seas adjacent to its territorial sea."

Article 7 of the Convention on Fishing authorized coastal states to adopt "unilateral measures of conservation appropriate to any stock of fish or other marine resources in any area of the high seas adjacent to its territorial sea, provided that negotiations to that effect with other States concerned have not led to an agreement within six months," and provided further that the "following conditions are fulfilled:

- (a) That there is a need for urgent application of conservation measures in the light of existing knowledge of the fishery;
- (b) That the measures adopted are based on appropriate scientific finding;
- (c) That such measures do not discriminate in form or in fact against foreign fishermen."

Except for the fact that this convention contemplated methods of arbitration and settlement of international fishery disputes, which were not then widely acceptable, it might have been embraced by the many nations who favored extended jurisdictions. As it was, nearly eight years passed before enough nations signed the Convention to cause it to enter into effect, and the signatures included none of the major distant water fishing nations. States that have been involved recently in serious fishery controversies and are not signatories include those of the Soviet bloc, Japan, Peru, Chile, Ecuador, Mexico, Iceland and South Korea.<sup>37</sup>

Opponents of S. 1988 have criticized the bill on the grounds that it contravenes the Geneva Conventions. While this is undoubtedly true, the contention that the Conventions preclude the United States from taking action of the nature contemplated by S. 1988 is difficult to sustain. In the first place, only a limited number of nations have signed any of the Conventions, and barely enough nations signed the Convention on Fishing to cause it to become effective. The International Court of Justice has suggested that the Convention on the Continental Shelf, for example, is merely a contractual arrangement among the parties satisfying it and does not reflect customary principles of international law.<sup>38</sup> In the second place, Japan and the Soviet-bloc nations, which would be the nations most immediately affected by unilateral seaward extension of jurisdiction by the United States are not parties to the Convention on Fishing and, therefore, have no right to require that the United States conform to its provisions concerning 'unilateral measures of conservation.' Because the other three Conventions failed to establish the widths of the territorial sea and exclusive fisheries zones, such Conventions create no basis for objection to the action proposed by S. 1988.

<sup>37</sup> Bishop, *supra* note 10.

<sup>38</sup> North Sea Continental Shelf Case (1969) I.C.J. 3.

Since 1958, the passage of time and the development of technology have effected a widespread change of attitude toward fisheries zones in the international community. A tremendous increase in fishing capability and effort has resulted in a growing number of overfished stocks, and the need for sound management has become critical. Thus, unilateral assertions of the right to conserve coastal stocks are being increasingly viewed as anticipatory measures of self-defense to preserve a nation's economic independence and well-being, rather than as a form of territorial aggrandizement. For example, the Foreign Ministers of Norway, Sweden, Denmark and Finland assured Iceland in 1972 of their support for its extension of its fisheries limits.<sup>39</sup> Perhaps worthy of

note also is the fact that the Soviets discontinued all fishing operations within the newly-declared Icelandic waters without protest.

#### CONCLUSIONS

A study of the doctrine of freedom of the seas tells us that it has meant different things in different periods. The seaward boundaries of nations have fluctuated widely from time to time, and today's claimed limits of jurisdiction vary from three miles to 200 miles, demonstrating that there is no generally accepted rule of international law regarding the permissible breadth of fisheries limits. In fact, the 200-mile limit is now more commonly accepted within the hemisphere than is any other outer limit of national jurisdiction, and if any one proposition is unanimously supported by all states, it is that international law does not permit extensions beyond 200 miles.

Historically, the United States has tended to assert or ignore the doctrine of freedom of the seas, according to whether the doctrine was consistent with its current purpose. Today, the position with respect to the doctrine is ambivalent. The State Department's declared policy is that 200-mile limits infringe upon the doctrine of freedom of the seas and are therefore contrary to international law. Nevertheless, practice under the Fisherman's Protective Acts of 1954 and 1967 and the Offshore Shrimp Fisheries Act of 1973 clearly constitute a tacit acceptance of the Latin American 200-mile limits.

The failure of the Geneva Conventions of 1958 and 1960 to come to an agreement concerning the breadth of the territorial sea and exclusive fisheries zone underscored the lack of a consensus for narrow limits in the international community and gave impetus to seaward extensions of jurisdiction. Although it was endorsed by only a few of the great fishing powers, the Convention on Fishing affirmed and expanded the principle of the special interest of a coastal state in the fisheries in its adjacent waters, first enunciated by the Truman Proclamation on Fishing, and appended to it the duty of conserving marine resources for the benefit of all nations. The doctrine has been given further support by decisions of the International Court of Justice in the North Sea Continental Shelf Cases and the Anglo-Norwegian Fisheries Case.<sup>40</sup>

In 1958 and 1960, few could have anticipated the rapid build-up of the major distant-water fishing fleets and the technological advances in gear and equipment that occurred in the 1960's. At that time, fisheries thinking was still clouded by the concept of unlimited production. Since then, despite greatly increased effort, the rate of growth of the world catch has slowed, while the rate of growth of world demand for seafood and fish products is expanding.<sup>41</sup> An increasing number of the world's fisheries are overexploited, and the need for conservation of the world's fisheries has become urgent and obvious.

The changing relationship of supply and demand has radically altered the value placed upon marine resources by coastal states. Therefore, whatever the significance of the Geneva Conventions as an expression of world opinion and international custom was in 1960 or even in 1966 when the last of them became effective, it has diminished significantly since. Extensions of jurisdiction over coastal fisheries are increasingly justified as serving the interests of all fishing nations by ensuring the continued productivity of protected fish stocks. Nevertheless, the overriding motivation is economic self interest. It is generally

<sup>39</sup> Facts on File 1972, at 714.

<sup>40</sup> North Sea Continental Shelf Case, *supra* note 39; Anglo-Norwegian Fisheries Case (1951), I.C.J. 116.

<sup>41</sup> Shaeffer, *supra* note 11.



accepted that a nation's right to defend itself includes the right to defend itself against economic aggression and to preserve its economic independence and well-being.<sup>42</sup> Accordingly, wherever there is a fully-exploited coastal fishery of significant value to the economy of an adjacent coastal nation, an extension of jurisdiction based on a claim of economic self protection and the need for conservation should be met with broad acceptance in the international community.

It is evident that the international community is rapidly moving toward a system of ocean regulation in which "freedom of the seas" will have a new and more restrictive meaning. Perhaps only the principle of innocent passage will survive the changes of the next decade. In anticipation of the forthcoming Law of the Seas Conference, U.S. State Department spokesman Donald McKernan is on record as having said: "We have . . . been persuaded by the compelling arguments . . . that the coastal state should have the right to regulate the fish stocks inhibiting the coastal waters off its shores as well as its anadromous resources." Thus, it would seem that even the U.S. State Department is changing its position on the legality of seaward extensions of jurisdiction, as usual, trailing world opinion by a substantial lapse of time. In summary, then, a 200-mile limit asserted by one nation 'is legal' if it is acceptable to, or at least tolerated by, a great number of other nations. Such assertions of jurisdiction have been made 'with increasing' frequency in recent years without provoking significant resistance. The intensity of the over-all world fishing effort has undoubtedly focussed world attention upon the desirability of protecting remaining stocks and the attention of individual coastal nations upon the economic value of coastal stocks, thereby creating a climate of acceptance for exclusive fisheries zones.

#### OCEAN LAW MEMO

##### A 50-MILE FISHERIES ZONE FOR OREGON?

The Oregon Legislature not long ago passed an act that would have established a 50-mile exclusive fishing zone off the Oregon coast. The act was then vetoed by Governor McCall and failed to become law. It should be noted that this act, if it had become law, would supposedly have created a *state* fisheries zone, not a federal zone. Several state legislatures have considered similar laws, and a few (Massachusetts, for example) have fishing zones of up to 200 miles on their statute books.

Is such a zone "legal"? Even if it is, can it be enforced against foreign fishing? The short answer to these questions is almost certainly: no.

The complete answer involves a complicated tour through U.S. Constitutional law and international law, so a simplified explanation will instead be attempted. To begin with, our federal system of government divides governmental functions essentially between those functions granted to the federal government and those retained by the states. Regulation of fisheries is generally considered to be a governmental function and has traditionally been carried out by each ocean-bordering state *within its boundaries* (basically, to the 3-mile limit). Each state has recognized power, or "jurisdiction," to regulate anyone's activities occurring within its own boundaries, and this form of jurisdiction is called, naturally enough, *territorial jurisdiction*. Each state can also exercise *personal jurisdiction* over *its own citizens*, no matter where these citizens happen to be. Accordingly, Oregon has the legal power to regulate the fishing activities of Oregonians on the high seas outside Oregon's boundaries. But, since personal jurisdiction stems from the fact of residence within the state, Oregon has no recognized power to control the activities of non-Oregonians—whether they be Californians, Hawaiians, or Russians—beyond the boundaries of the state. To sum up so far: a state can regulate the conduct of anyone within its boundaries and can regulate the conduct of its own citizens anywhere.

<sup>42</sup> Green, *International Law & Canada's Anti-Pollution Legislation*, 50 Oregon L. Rev. 462, 480-484 (1971).

So far, the result of these legal principles seems to be this: Oregon can provide fisheries-management regulations and enforce them against *Oregon* fishermen in a 50-mile zone, but it can't enforce them against *foreign* fishermen within the zone outside the three-mile limit. But this conclusion is too pat. It leads to at least a couple of other questions: Why can't Oregon simply increase its boundaries and thereby extend its territorial jurisdiction? And if Oregon can't legally keep foreign fishermen farther away from its coast, who can?

First, Oregon can't increase its boundaries because (a) such an extension would, under the U.S. Constitution, need to be approved by Congress, and (b) such an extension would encroach on the high seas—that is, ocean waters beyond the territorial sea—which belongs to all nations in the international community. It can be strongly argued that Oregon could no more annex a portion of the high seas than it could annex a part of California.

An Oregon extension of its seaward boundary (or a fishing-zone boundary) would, because it encroaches on "property" of the international community, be an interference with international relations, and it is clear that the U.S. Constitution grants to the federal government the exclusive right to conduct international relations and handle foreign affairs. Therefore, such important foreign-relations decisions as whether the U.S. ought to attempt to expand its territorial sea boundary or to declare an extensive fisheries zone are almost certainly within the bounds of exclusive *federal* authority. These decisions may affect some of our nation's solemn treaty promises and our reputation as a generally law-abiding member of the international community.

Under current trends of international law, it may be legal for the federal government (as opposed to a state government) to extend the exclusive fisheries zone substantially beyond the current twelve-mile limit. However, that would also raise serious questions of enforcement. National priorities would have to be considerably revised if the money and vessels needed for enforcement were to be appropriated. Today, there is good evidence that the U.S. twelve-mile fisheries zone is not being effectively managed, and a 50- or a 200-mile limit would be practically impossible to regulate. Certainly Oregon would not have the money and resources necessary for the job of enforcing its regulations in any extensive fishing zone.

*On the other hand, the Oregon Legislature's passage of the act, and similar action by other state legislatures, may be effective devices for attracting the federal government's attention to the seriousness of the problem. And this seems to be the intent of the proposers of the extended state fisheries zones.*

In the long run, really effective management of the ocean's all-too-limited living resources will have to depend on cooperation among fishing nations and not a division of the ocean into "national lakes." The U.N.-sponsored international conference on the Law of the Sea is now scheduled to begin in early 1974. The U.S. federal government has participated heavily in the preparations for this conference, out of which new international laws on fisheries are expected to emerge. The current U.S. position seems to favor preference for coastal fishermen in the allocation of coastal and anadromous fisheries, so the coastal fisherman's voice is not being ignored in Washington (though that sometimes seems to be the case).

#### STATEMENT OF LAWRENCE LAZIO

Mr. Chairman: My name is Lawrence Lazio, I live in Eureka, Calif. I was born and raised in California, and have been in the seafood processing business all my life—as was my father, and my grandfather before him. In fact my grandfather fished crabs off San Francisco in 1885. I am the current President of the Calif. Seafood Institute which represents the majority of the California seafood industry except the tuna people. Enough for background.

The intrusion of the foreign fleets to the offshore waters of the West Coast is causing our industry all kinds of serious problems. Our boats are not able to fish the grounds where the foreign boats are because the foreign vessels are too fast over the ground that when our nets are down our boats can't get out of

the way of the large foreign vessel. The foreign vessel can use much smaller mesh size which allows them to take immature fish, whereas our boats must use a mesh size which lets the small fish (our future resource) to escape. This competition for the natural resource (fish) by the foreigners denies our industry the chance to improve our operations as they have done because the investment necessary to compete with them cannot be justified because by the time we build the vessels the resource will be caught. This happened in Oregon where there was a substantial Ocean Perch fishery prior to the intrusion of the Russians in 1965. It took them just 3 years to almost completely wipe out that fishery, and today the landings of Ocean Perch are a very small fraction of what they were in the early 60's.

How does our industry, which is made up of small companies and many independent fishermen get the ear of our government to protect our interests. I wonder if I were able to report that there were 26 foreign oil drilling rigs being towed to the West Coast to be positioned just outside the 12 mile limit to drill for oil, what reactions would be evoked from ALL the American people to do something about the problem. What rights would be invoked to protect the natural resource of oil. Today there are 26 Russian fishing boats working off the West Coast this summer is a surity from all reports we can get. Last year the East Germans sent a boat to fish the WC. The Russians were here in force as were the Japanese. It has been reported by NMFS that the Poles will send a fleet this summer as will 2 or 3 other nations. We seek your help to establish a extended fisheries zone to protect our industry from the foreign competition. Thank you for this opportunity to tell of our problems.

#### RUSSIAN, JAPANESE NETS RECOVERED AT WINCHESTER BAY 'STRICTLY ILLEGAL'

(By Dawn Pesau)

Winchester Bay—Japanese and Russian gillnets found this week near this fishing community, one at sea and one on the beach, were viewed as a threat not only to longterm American fishery resources, but to the immediate livelihood of fishermen and processors.

"These net are strictly illegal under International fishing agreements; our people would never dare use a net like this," it was exclaimed at a meeting of commercial fishermen, processors and marine advisory personnel from the Oregon Fish Commission.

Marine Extension Agent Paul Heikkila pointed out the total efficiency of the Japanese salmon gillnet found by Tom and Jan Hedgepeth, owners of a custom cannery at Salmon Harbor, on the Umpqua south beach. The net is of single strand nylon monofilament with four-inch mesh, knot to knot, and is normally set over 10½ miles in the Japanese high seas. It had been in the ocean less than a year, it was estimated. The net section had about 15 foam plastic floats, but the weighted bottom section was missing.

The Russian net, made of heavy multifilament nylon in a small mesh, was dragged up from the sea about 25 miles west of Winchester Bay by Roy Wilson, skipper of the drag boat Dare II. The boat fishes for Winchester Bay Seafoods which employs 40 bottom fish processors and has an average payroll of 84 persons throughout the year. There are 120 employes at peak seasons such as summer shrimping; seven drag boats in the winter and eight shrimp boats in the summer.

The section of Soviet drag net found at sea was only a small part of the huge net, and requires a large fishing ship to drag, Wilson pointed out. "Those nets sweep in everything—big fish and little fish," he said.

Edward Gulvin, representative and weighmaster for the Fisherman's Marketing Associates, said his organization is holding a meeting in California later this month and he expects a strong demand for an enforceable 200-mile off-shore limit. He said his association represents about 50 drag boats, 22 of them in Oregon.

Also interested in the impact on the fishery resource was William F. Engesser, professor of industrial engineering at Oregon State University.

## FOREIGN NETS 'ILLEGAL'



Dragboat Skipper Roy Wilson holds heavy multifilament nylon fish net with small mesh he found at sea about 25 miles from Winchester Bay. The net is from a Russian fishing vessel, authorities have established. Wilson found the massive section complete with steel floats and four liner nets.— World photo by Dawn Penning.



Bud and Jan Hedgepeth, Salmon Harbor custom cannery and tackle shop owners, inspect a nylon monofilament Japanese fishing net discovered near Umpqua south beach. The net is one of two illegal foreign fishing nets found recently in coastal waters. The other net, of Russian origin, was found in the ocean 35 miles west of Winchester Bay by drag boat operator Roy Wilson. The small mesh nets sweep up both big and little fish and have caused concern among commercial drag boat fishermen as to the immediate effect on fishermen and fish processors. World photo by Dawn Pesseau

## REASON AND RATIONALITY—THE 200 MILE ISSUE, PART ONE

### THE CONTENTION

Immediate passage of the Magnuson-Studds Bills, S.1988-H.R.8665, "To Extend on an Interim Basis the Jurisdiction of the United States over Certain Ocean Areas and Fish in order to Protect the Domestic Fishing Industry, and for Other Purposes", is the most rational solution to the fisheries problems facing the United States today. That assertion is based on two propositions:

1. That our national marine resources are in jeopardy and require immediate action to insure the continuance of their economic relevance as well as their biological well being.

2. That there is little likelihood that any other alternative will offer an adequate solution to these problems within a meaningful period of time.

Let us consider the evidence in support of our contention.

### STATUS REPORT

Data to support the contention that significant numbers of species—coastal, anadromous and pelagic-migratory—have been overfished, that the economic aspects of each type of fishery demonstrate a significant depletion effect and that there is a definite threat of severe biological consequences, has been well documented and is presently available in Congressional records, fisheries and legal technical documents as well as in newspapers and other popular periodicals.

It is important to note that concomitantly with the decline of the United States domestic catch, the importation of foreign fisheries products has risen, manifesting itself in an exponentially rising trade deficit. In effect, we are paying foreign fleets to overfish our continental waters.

### INTERNATIONAL ALTERNATIVES

The outstanding characteristic of present international fisheries agreements is that they do not work. Although there are isolated examples of successful conservation agencies (e.g., the Fur Seal Commission), their success is related to a small number of signatory countries tend more importantly to a limitation of their concern to one or very few species. Not one example of a true international fisheries regulatory body, constituted by developed as well as developing nations, having coastal as well as distant water fisheries, and dealing with many species of coastal, anadromous and pelagic-migratory fish has been successful to the extent necessary. There are two fundamental problems:

1. No international commission can possibly be effective without being able to both formally and realistically regulate the fishery, independently of the member countries, and

2. No agreement has been reached with regard to the international distribution of present and projected worth of marine resources.

The first problem is clearly related to the fact that governments do not usually advance in power by relinquishing their authority to impartial third party adjudication; and the second is a direct reflection of the relative capacity of developed and developing countries to exploit marine resources. No multinational fishery regulatory organization is now capable to stand as an exemplary ideal of the scientific basis or enforcement capacity necessary to international credibility and trust. Although IATTC and ICCAT are lauded as successful commissions, their continuance only demonstrates that they (ICCAT) do not in fact regulate the fishery on one hand, and that the Pacific tuna stocks have succeeded in supporting an expanded fishery despite an effort to deliberately overfish, on the other (IATTC). In short, there is no historical or present reason to have any confidence that existing fisheries commissions or agreements will improve upon their past performance and good reason to believe that present capacities will, if anything, decline. Which brings us to a specific consideration of the United Nations proposal to solve all ocean problems, namely the Law of the Sea Conference convening this June in Caracas, Venezuela.

### LAW OF THE SEA CONFERENCE

Preparation for this LOSC reflects a sixteen year effort beginning in 1958 and culminating in a five year effort principally concerned with conducting the

meetings beginning this June. There have been three preparatory sub-committee meetings and voluminous testimony with regard to the lack of agreement on agenda, protocol as well as basic intention. The most pertinent facts with regard to fisheries issue are that:

1. No fisheries working group has been created within the LOSC structure.
2. The necessary basic scientific work to arrive at international fisheries regulations has not been done (such elementary items as a definition of coastal, anadromous and pelagic-migratory fishes has not been agreed upon).
3. No fisheries scientist is to be present with the United States delegation except on an "on-call" basis.

The official fisheries position, as evidenced by the "species approach" is not representative of our national fisheries interest, was not developed by constituency consensus and is in fact not workable. Even if adopted it would represent no real solution to either our coastal, anadromous or pelagic-migratory fish resource problem.

#### THE REST OF THE WORLD

The major maritime states including Russia and Japan have clearly indicated that they do not want meaningful international regulation at this time. They have not signed the 1958 Geneva Convention on Conservation and their behavior on the high seas demonstrates clearly that they feel their mechanical and technical advantages and the extent of their investment precludes consideration of international conservation agreements until they are forced to do so, either on a political or economic basis.

Of the ninety-nine nations participating in the LOSC, sixty-six have indicated a determination to enact some form of extended economic resource zone. The United States' position is archaic in terms of international law and totally unrealistic with regard to fisheries.

#### DEPARTMENT OF STATE

Even the people most qualified and in the best position to know the real likelihood of an adequate solution to our national fisheries problems through the LOSC cannot enthusiastically and unequivocally support the contention that the agreements reached will constitute a fisheries "success" for the United States.

On October 3, 1972, State Department and Commerce Department representatives met with the Subcommittee on Oceans and Atmosphere and in answer to questions from the Chairman concerning the fact that there was doubt about the outcome of the conference, neither of these representatives would give a positive reassurance that our fisheries problems would meet with an adequate solution. At the same time that the official position was defended, there was clear and outspoken opposition to the so-called "species approach" on the LOS Advisory Committee itself. In point of fact, a compelling case could be made for the argument that the State Department's "official position" was developed without proper consultation with a balanced and democratic representation of our national fisheries interests. It can certainly be demonstrated that the "species approach" did not in fact represent a consensus of our coastal and anadromous fishery interests.

Beyond these political considerations remains the physical fact that the "species approach" is not enforceable. In essence, it depends upon the single ingredient now missing from all international fishing agreements, true international cooperation. The concept as well as the fact is untenable.

#### THE OPPOSITION

Opposition to extension of fisheries jurisdiction has come from three sources: the Department of State, the Department of Defense and our distant water fisheries interests. State has been a loud advocate of United Nations procedures because of their compatibility with the philosophy of political detente. Leaving aside all other considerations with regard to the success of this political philosophy, there is not one example that this approach has succeeded in solving our national fisheries problems. On the other hand, in 1969 when the United States extended its contiguous fisheries zone to 12 miles there was concrete demonstration that this legislation enhanced meaningful international negotiations. Again, at the ICNAF meeting in Ottawa this summer the commission experi-

enced its most successful accomplishments in direct response to a hard line approach adopted for the first time by the United States.

#### DEPARTMENT OF DEFENSE

The DOD has contended for 20 years that it could not tolerate 200 mile territorial jurisdiction extension and more recently that it would insist upon "free transient" through straits which would be nationalized by the extension of the territorial sea to 12 miles; and further, that this item was not open to negotiation. It is interesting that the DOD is able to dictate the necessity of certain requirements without further explanation to the Congress. Although they have not specifically criticized extended fisheries jurisdiction, they have indicated that any form of an economic resource zone must not interfere with defense considerations. If there is any reasonable and rational justification for the DOD's position it should be a relatively simple matter to supply sufficient information to the appropriate agencies necessary to support their assertions. To this date, there is no indication that there is any adequate explanation whatsoever. The DOD should be required to explain to the Congress why "free transient" is necessary to our national defense and why a peaceful nation cannot defend itself under the international concept of "innocent passage."

#### DISTANT WATER FISHERIES

The distant water fisheries interests of our nation have clearly demonstrated their agreement to the substantive issues of extended fisheries jurisdiction. The have agreed to:

1. The principle of conservation, in their active participation in the Inter-American Tropical Tuna Commission and the International Commission for the Conservation of Atlantic Tunas.

2. The principle of international regulation, as specified above as well as in their agreement and support of the "species approach", now espoused as our official position.

3. The fact that some form of coastal state economic resource zone will be the international norm in the immediate future, as reflected in an overwhelming majority of the LOSC resolutions.

Despite these clear agreements in principle, the distant water fisheries interests (certainly more tuna than shrimp) continue to oppose these same ideas associated with the necessity of immediate extended fisheries jurisdiction. Their opposition indicates that they have no substantive argument, and that they are, in fact, only maneuvering for political position. The inconsistency of their reasoning points to the hope that their continued resistance will somehow insure them a better bargaining position further down the line. The cost of this behavior to themselves, (they ultimately have more to lose than anyone else), to the nation's interests in terms of the biological well being of coastal stocks, economic damage to our domestic fisheries, wasted government effort and injury to our national credibility (important in terms of any future international fisheries negotiations)—is apparently not an accountable issue.

#### REASON AND RATIONALITY

An objective view of the conflict between the LOSC approach and immediate fisheries jurisdiction extension demonstrates that there is only one point of substantive contention. Aside from acrimonious wails and cries of "legislating (anyone) out of business", there remains the single necessity of international negotiation. If we enacted a 200 mile fisheries extension tomorrow and immediately began enforcing it with our Coast Guard and Navy, the most important aspect of that accomplishment would be to provide a basis for immediate, meaningful, international negotiation. There can be some argument with regard to how such unilateral action would be accepted by Russia, Japan and other maritime countries. But, there is no doubt that they would be more willing to talk on a more immediate and significant basis to negotiate specific fisheries issues than the "general good" premise of the LOSC could ever bring them to in a comparable period of time. The sooner the United States makes it clear that we are going to control the marine resources of our continental shelves, on a scientific and equitable basis for all concerned, the sooner our national and international fisheries problems will move toward a real solution.



REASON AND RATIONALITY—THE 200 MILE ISSUE, PART II

ANSWERS TO THE OPPOSITION

*Review*

Last month's "Right Rigger!" presented positive arguments concerning the 200 mile issue based on the proposition that our marine resources are in jeopardy and that immediate action by our Congress can provide the only real solution to our fisheries problems. This issue will devote itself to a discussion of points raised by the opposition. The arguments are not presented in their entirety for either side but represent an effort to define the substantive conjecture for your consideration.

The opposition, composed largely of representatives of distant water fishery interests—mostly tuna and to a lesser extent shrimp and salmon—have stated that immediate extension of fisheries jurisdiction would adversely affect the interests of the United States because it would:

1. . . . be harmful to the shrimp and tuna industry,  
Let us consider each industry separately.

*Shrimp*

Less than 9% by weight of the national shrimp catch is caught in international waters off foreign shores. Arguments that S.1988 would negate the Brazilian Shrimp Treaty and that the return of boats now fishing foreign waters would cause irreparable harm, are simply not substantiated by the facts. The language of the Brazilian Shrimp Agreement specifies that it does not recognize and is not based upon Brazil's 200 mile *territorial* limit. It is therefore difficult to see how U.S. legislation would affect a treaty which is not based upon that consideration.

Our domestic shrimp grounds are generally health. Overshrimping is not so much a problem as natural variation in crop size and increasing marshland pollution. If the entire U.S. fleet remained in domestic waters it would not constitute an unbearable strain on the resource. The annual increase in new American boats and more importantly the increase in foreign boats shrimping our continental waters have constituted a higher percentage of annual user participation for the last five years than would be brought about by the passage of S.1988.

Aside from these considerations, Central and South American countries want international shrimping agreements. Mexico, Costa Rica and Honduras have indicated that they're interested in agreements similar to that reached with Brazil.

Two further considerations are pertinent:

First, the real basis for present opposition to the 200 mile issue is that foreign shrimping in our continental waters is not now a problem, so the emphasis is to protect that 9% which might be threatened by passage of S.1988. Obviously this position is shortsighted. Through U.S. government aid alone (loans, boats, and technical assistance) the foreign take from U.S. waters will soon exceed that 9% certain association representatives would have us believe is so vital. As the foreign shrimp fleet increases in size and visibility the very people who now loudly oppose S.1988 will cry that the Congress must act immediately to protect their interests.

Secondly, opposition to S.1988 voiced by executive directors of state, regional and national shrimp organizations is not backed by individual support of rank and file shrimpers. The majority of individual shrimpers work domestic grounds and therefore tend to support the necessity of S.1988. The disparity between executive and rank and file points of view is probably related to the political relationship between the American Shrimp Congress and the American Tuna Boat Association. Actually shrimp problems are very different from those of the tuna industry and could be solved far more readily viewed on their own merits. Continuing the present course could lead to internal disruption within the industry, jeopardize domestic shrimp grounds and further delay new international agreements.

*Tuna*

Although representatives of the American tuna industry admit that true international agreement and cooperation is necessary to optimal utilization of tuna, they have actually worked to delay the organization of an effective World Tuna Commission. In the long run they will need international cooperation and government subsidy as much, if not more, than anyone else. What the tuna industry

actually wants is to delay real international regulation until the pressures of a dwindling resource, increased costs and increased foreign competition balance their present technical superiority. At that point they will become the loudest advocate for a World Tuna Commission. The point being that their cries of protest over S.1988 are greatly exaggerated simply to promote advantageous bargaining with the inevitable.

The industry, as well as the nation, would further benefit from the effect of S.1988 to stop various factions of the government from undermining each other through mutually antagonistic actions. Supplying the destroyers Peru uses to seize U.S. tuna boats so that we can pay \$7+ million in fines is idiocy; and giving AID funds to Mexico to build tuna clippers is doing far more to increase international fisheries tensions than the passage of S.1988 would. Clearly a rational, comprehensive fisheries policy which accommodates all our fisheries industry and coordinates all government fisheries activities is necessary--both to the industry and to the government.

2. . . . destroy effective international fisheries organizations, for example: the International American Tropical Tuna Commission and the International Commission for the Conservation of Atlantic Tunas.

The argument here is that because certain nations having 200 mile territorial limits are not members of these two commissions, the United States would destroy these commissions by extending its fisheries jurisdiction to 200 miles. This obvious non sequitur also avoids the issue of how effective the IATTC and ICCAT are in reality. Admittedly both have accomplished something, but both leave much to be desired. Secondly, it must be recognized that some type of extended economic zone will shortly become the international norm. Present fisheries organizations, ICNAF, IATTC, ICCAT, etc., are not adequate. The real question is whether it would be best to scrap everything and organize a world commission from scratch or work to make the necessary changes in existing organizations?

3. . . . adversely affect further international negotiation,

Although the same people made exactly the same arguments in 1966 in opposition to extension of our fisheries limit to 12 miles that they are making against S.1988, August Felando of the American Tuna Boat Association, now admits that the 1966 extension has not impeded international negotiation. It is difficult to see, in principle or fact, the difference between 12 mile and 200 mile fisheries jurisdiction as an adverse influence to negotiation. It is even more difficult to understand Mr. Felando's objection to S.1988 on this basis in view of earlier testimony he made before the House Subcommittee on Merchant Marine and Fisheries on March 11, 1971 in discussing the suspension of the Foreign Military Sales Act. Following seizures of several American tuna vessels by Peru and Ecuador in 1968 and 1969, the State Department announced that there would be no more military assistance provided to those countries. Shortly thereafter another announcement was made to the effect that for the first time in 17 year Ecuador and Peru had agreed to meet with the United States to consider fisheries problems. Mr. Felando stated:

"Now prior to that time, I've been told, and other members of the industry have been advised that we cannot consider economic sanctions, we cannot get rough with these people, we cannot do things to them, because they will never sit down with us and negotiate, but the proof of the pudding is different, in my opinion, and the proof of the pudding was in 1969."

And later in that same testimony:

"I believe there is value in the retaliatory type of legislation, but nevertheless, I think that in 1969 it was of beneficial effect. Unfortunately I think it is the type of legislation that Congress has to think about now."

And again:

"Pardon me, Congressman. I think the type of legislation that is necessary is very clear, and that is the embargo type legislation that has already been introduced by members of this committee. I hope you will have hearings on such bills very shortly."

How can "economic sanctions" and "embargo" and "retaliatory" legislation have a beneficial effect on international negotiation on one hand and extension of fisheries jurisdiction by that same reasoning, have an adverse effect on the other? Citing this example and the experience of the ICNAF delegation in Ottawa in the summer of 1973, the evidence is clear that our foreign friends negotiate much more meaningfully in those instances where the United States adopts a firm position based upon rational and legitimate considerations.

4. . . . create an "imaginary line" that cannot be enforced,

It certainly can. A comparison of the enforceability of the 200 mile limit with the enforceability of the "species approach" can easily demonstrate that any form of limited entry is a much more pragmatic concept. The Coast Guard now has a formal agreement with the Navy with regard to enforcement of fisheries jurisdiction. NESS and NOAA satellite systems could be utilized to provide surveillance of continental fisheries zones. Such authorities as Dr. Francis T. Christy have testified that the conservation of our fisheries resources would more than counterbalance the cost of enforcement.

5. . . . be detrimental to Law of the Sea Conference considerations now underway,

The record of the LOSC since 1958, accomplishments during the last five years in preparation for the LOSC of 1974, and specific questions in recent hearings by the chairman of the Senate Committee on Commerce, clearly indicate that there is little likelihood meaningful fisheries agreements will be reached at this LOSC or at and LOSC in the future.

This sixteen year discussion has well defined the difference between political negotiation and fisheries regulations. It seems clear that our State Department representatives are enthralled with a definition of a "good conference" as a series of proposals which achieve a majority of affirmative votes. It seems somewhat less important what the real meaning or impact of those proposals has to the hard facts of day to day fisheries problems. If the LOSC 1974 accomplishes anything it will be largely political and not regulatory; it will not solve the real and material fisheries problems that face our nation today.

6. . . . be "illegal" according to traditional international law.

"International Law" is actually an abstract mosaic of treaties and customs. Changes in International Law occur by progressive developments reflecting temporal needs and attitudes. Neither the doctrine of freedom of the sea, nor a definition of the territorial sea, nor a definition of the contiguous economic zone has ever found a generally accepted status among nations. Historically the United States has variously asserted and ignored these principles as suited its political circumstances. The failure of the 1958 and 1960 Geneva Conventions underscores the present international consensus of nations who clearly intend to establish some form of extended economic zone. In anticipation of the forthcoming LOSC, U.S. Department spokesman, Donald McKernan, is on record as having said:

"We have . . . been persuaded by the compelling arguments . . . that the coastal states should have the right to regulate the fish docks inhabiting the coastal waters off its shores as well as its anadromous resources."

Thus it would seem that even the U.S. State Department is changing its position on the legality of seaward extension of jurisdiction, as usually, trailing world opinion by a substantial lapse of time.

7. The assertion has also been made that Article 7 of the Convention of Fishing and Conservation of the Living Resources of the High Seas (Geneva, 1958) should be employed to settle these international conservation disputes.

In the sixteen years of its existence, the Geneva Convntion of Fisheries has not been used to solve a single international fisheries problem. There's no present indication that it will be used in the future. The major maritime countries of the world including Japan and Russia are not signatory to this agreement. There is no effective regulatory body to enforce it; until there is, it simply will not work.

#### SUMMARY

The need for immediate extension of fisheries jurisdiction is based upon the proposition that:

1. A significant number of our coastal, anadromous and pelagic-migratory stocks are in biological jeopardy from uncontrolled foreign fishing.

2. There is no reason to believe that an adequate solution to our fisheries problems will be reached by international negotiations within a meaningful length of time and good reason to believe that it will not.

3. Unilateral extension of fisheries jurisdiction is not a deterrent to eventual international agreement; to the contrary, it may well be the only way to sustain meaningful international negotiations.

4. The objections of the Department of States are based upon theoretical concepts, legal and diplomatic, poorly supported by their record in fisheries negotiations and the present status of fishery problems. The philosophy of

detente is clearly farcical and injurious when applied on a unilateral basis. Application of the "species approach" is pragmatically impossible.

5. Objections of the Department of Defense are based on anachronistic military principles which do not reflect modern scientific capability nor a determination to wage peace rather than perpetuate war.

6. The objections of our distant water fisheries interests do not reflect a majority of our national fisheries interests nor are their allegations of inordinate harm resulting from fisheries jurisdiction extension supported by historical prospective, logic or present fact. The cost of further delay to our coastal, anadromous and pelagic-migratory stocks, to our domestic fisheries, waster government effort and loss of national credibility is not acceptable.

We must pass S.1983—H.R.8665, immediately enforce its provisions and then set about the job of organizing a World Tuna Commission vested with the authority and science to regulate ALL fisheries problems.

#### LEGISLATION

##### *Bolling Amendment: H. Res. 988*

On May 9, 1974, the Democratic Caucus referred H.Res.988, the Bolling reorganization proposal, to its Committee on Organization, Study, and Review with instructions to report back to the Caucus in six weeks, or approximately June 20, 1974. The members of this Committee are the Honorables: Julia Butler Hansen, Chairman; Philip Burton; Frank Thompson; Wayne Hays; Phil Landrum; Neal Smith; Frank Annunzio; Barbara Jordan; Ed Jones; James O'Hara and Joe Waggoner.

It is vital that you write the Honorable Julia Hansen, with copies to the rest of the Committee and your own Congressman, *strongly urging the rejection of H.Res.988*. Even if you wrote your Congressman last month, WRITE AGAIN! This resolution must be defeated.

##### *An easier way: H.R. 1196*

"Right Rigger!" for March introduced H.R. 1196, which would outlaw all commercial fishing in waters bordering on any National Seashore. We now must admit that our original endorsement was hasty and must retract, not our support in principle, but our support for the idea that Congressional legislation is the best way to solve this problem. H.R. 1196 stirs all the traditional controversies between commercial and sportfishermen as well as the basic question of federal vs. state's rights. Recognition of the inherent difficulties in this situation, and the enormous time and energy required to pass Congressional legislation and to modify it once it is passed, has caused us to change the NCMC support to a more rational and much easier method. Control and administration of all National Seashores rests with the Secretary of the Department of the Interior who exercises part of his authority through the National Park Service. The legislation which established the Hatteras National Seashore states in part: "... fishing within the boundaries to be designated by the Secretary of Interior (is) subject to such rules and regulations as the said Secretary may deem necessary in order to protect the area for recreational use as provided for in this Act". The Secretary may—and should—enforce regulations to maintain this recreational approach. Efforts to reach consensus with local, state, federal and angling groups have been a failure. It seems obvious that the Secretary of the Interior should move immediately before more polarization of dissident groups leads to further hostility and trouble. If H.R. 1196 is passed as written, it will require another federal law to modify it, as would be necessary because of its reference to all National Seashore areas. Such regulations should apply to each seashore on an individual basis, to fit each specific need. By a simple stroke of the pen, the Secretary should issue regulations for Hatteras to "protect the area for recreational use". Departmental regulations may be altered as circumstances indicate they should. Flexibility is a basic ingredient of good fisheries management.

It is too early to predict the eventual fate of H.R. 1196. If it simply forces the Secretary of the Interior to move quickly and wisely in this explosive situation, it will have served its purpose.

##### *Coast Guard prepares*

Congressman John M. Murphy, (D-N.Y.), Chairman of the House Subcommittee on Coast Guard and Navigation, has announced his committee will soon have hearings to determine authorizations needed to meet the serious threat

posed by depletion of off-shore fish by foreign fleets. "Based on the Subcommittee's investigation into this matter," Representative Murphy told the Coalition, "it is agreed that we must move quickly to protect our coastal fish from eradication by foreign plunderers. The lack of vigorous action by this country has already cost the West Coast its sardines and perch, and increased foreign efforts threaten the destruction of even more varieties."

*High seas fisheries: H.R. 4760*

Among its stated first year goals the Coalition lists "Development and passage of the High Seas Conservation Act". Recently reintroduced into the House by Rep. John Dingell as the "Fisheries Conservation Act of 1974", this bill would give the federal government regulatory powers in the contiguous fisheries zone, which now extends from three to twelve miles off shore.

The Coalition does not stand for increased federal powers as a general proposition. In this case, however, no regulatory power of any kind exists beyond the three-mile jurisdiction of the states. The only consequence stemming from the creation of the contiguous fisheries zone (1966), was the exclusion of foreign fishing from the twelve mile zone.

Although widely praised as a conservation measure at the time it was enacted, it is now evident that the legislation creating the contiguous zone has, in fact, not done enough to ease the pressure on our marine resources.

The Coalition firmly believes that a Fisheries Conservation Act is needed to enable the NMFS to establish uniform management schemes based on scientific study rather than incongruous and sometimes conflicting state regulations promoted by the political pressures of various special interest groups.

Critics of an earlier version of the bill claimed that it would permit U.S. fishing to be regulated while allowing overexploitation by foreign fleets on the same grounds. In response, NMFS has amended the bill to prohibit the Secretary of Commerce from imposing any restraints upon U.S. fishermen in areas in which they compete with foreign fishermen not subject to similar regulation. However, other serious problems with the "Fisheries Conservation Act" remain.

Excessive authority still resides with the Secretary of Commerce to promulgate regulations without consultation with the affected states. He may override their collective wishes at his discretion. The language of this bill should be changed to require the Secretary to consult with the States and secure agreement of a majority affected by proposed regulation. The Coalition will watch the deliberations of the House Committee on Merchant Marine and Fisheries concerning this legislation with great interest.

*California swordfish*

The California Swordfish must now be added to the long list of threatened and endangered marine species. There is a very real question whether the population of swordfish off Southern California can long survive the impact of spotter planes and foreign long lining, not to mention the intrusion of so-called sport-fishermen into the pastime of harpooning the fish for money rather than sport.

The use of spotter planes by both commercial and sportfishermen has added to the effectiveness of nocturnal long line techniques to significantly increase the total catch of broadbill on the west coast. These practices were highly developed in the east in the early 1960's and quickly led to the virtual collapse of the Swordfish industry. Possibly the only thing that saved the swordfish at that point was the mercury scare which caused swordfish buyers to become more rare than the fish. Over the ensuing years there has been some resurgence of the species, more off California than in the east. Unfortunately the lessons learned off of New England have not been applied in California, and the Department of Fish and Game does not have the necessary legal armament to effectively regulate the swordfish problem. To correct this difficulty a bill has been introduced in the State Legislature (Senate Bill 1571) to grant the necessary authority. Already this legislation has stirred much controversy and there is an intense struggle ahead for California sportsmen who care enough to fight for the conservation of this great game fish.

CAUGHT IN THE ACT

If there was even a reasonable doubt concerning the attitudes of Soviet-bloc fishing vessels toward the exclusive fisheries and conservation zone, a flagrant

violation on March 26 should go a long way toward dispelling it. On that day, the 288' Rumanian sterntrawler, *Inau*, was intercepted by the Coast Guard cutter, *Unimak*, just 7½ miles off North Carolina's Currituck Beach. Its holds contained twenty tons of river herring caught on their annual spawning run. Ironically enough, the *Inau* was fishing under contract to an American corporation, and its cargo was destined for shipment to Gloucester and Miquellon in the Gulf of St. Lawrence. The *Inau* was the *Unimak's* second arrest in just three months. In January, she seized the Bulgarian trawler, *Limosa*, 10½ miles off the New Jersey coast.

## ACTION LINE

*Sabotage and Disaster*

Several Washington sources report that a move is afoot to combine 200 mile legislation (S.1988) with the "High Seas Conservation Act of 1973 (H.R. 4760). The "High Seas Conservation Act" has for some eight years been the most controversial and inflammatory legislation in the entire fisheries field. On its own merits, it is obviously vital and needed legislation, but the issues that it addresses, domestic regulations and state-federal relationships, are still subject to serious dispute and are not as important as the primary problem of uncontrolled foreign fishing. The new working paper on S. 1988 does make some improvement over the provisions of the Fisheries Conservation Act of 1974, however, there are still valid questions with regard to civil penalties and the balance of state-federal prerogatives. These and other issues continue to be sufficiently complex and conjectural to require further consideration. There is no rationality in establishing a 200 mile limit without specifying what conservation and regulatory procedures will apply. American fishermen recognize this need and have worked diligently to develop an effective fisheries conservation act. Although the idea of combining high seas fisheries conservation with extended fisheries jurisdiction is laudable on the surface, the inherent difficulties could well impede the passage of authority to immediately control foreign fishing. It is imperative that further discussion and accommodation be carried on with primary and expeditious concern for our marine resources.

## EDITORIAL

*Interest, involvement, and commitment*

It is a fact that less than fifty percent of Americans vote, less than five percent are members of any form of civic organization, and less than two percent are interested, involved, and committed to work in the public interest. This behavior could well lead to extinction of the species. In all fairness, it must be pointed out that the death of mankind would be a neat solution to the world's environmental and conservation problems. On the other hand, a great many people share a prejudicial view toward this solution. But the vast majority of these same people have yet to join in the active struggle to improve the quality of life.

Consumerism, volunteerism, and other forms of constituency action are clearly on the rise in America, but each of these groups remains a minute minority and their strength still far from that needed to affect immediate political attention and legislative change. The fisheries problem is merely one reflection of our severe and complex national difficulties. The Coalition is another small but growing constituency supporting the national good by working in an area of personal expertise and concern. The Coalition and the nation can only benefit from your individual participation as it supports our collective political strength. Last month in response to the admonition to write your Congressman with regard to the Bolling Amendment, only five of the several thousand people now associated with the Coalition saw fit to write their Congressmen. This simply will not do.

"Right Rigger!" for April reported the California anchovy problem and suggested that sportsfishermen and conservationists support a comprehensive research program toward the solution of that problem. Despite much scientific evidence to the contrary, the California Fish and Game Commission on March 8, 1974, decided to extend the anchovy quota by 20,000 tons and extend this year's season to April 30th. The reason for this decision, despite well-documented scientific evidence to the contrary, was based upon the fact that com-

mercial interests in California sent 7,075 letters and petitions containing 2,457 signatures in support of the increase. Opposing the change were 364 letters, 15 telegrams, and petitions containing 149 signatures. (Final score, 9532 to 528!)

These two examples clearly indicate what we must do. The day is here when sportfishermen concerned with the issues of marine conservation have to stand and be counted. Good ideas and scientific facts are not as forceful as voices and votes.

Last month members of the Coalition were requested to solicit new members, raise funds, and communicate with their elected representatives. This request has been made before and will be made again. Members frequently say "What can I do?". The answer, "people, money, pressure" is always the same, but when I tell them, their expression seems to say, "Who me? Not me! That's not Hero's work!" And sure enough I don't hear from many of them again.

Last month members of the Coalition were requested to solicit new members, raise funds, and communicate with their elected representatives. If you have not done these things, please do them today. If you are not going to do these things, why do you belong to this organization?

Good Fishing!

FRANK CARLTON.

